

GeT MA Working Paper Series

No. 13

Violence and the Neoliberal Governing of the ‘Unwanted’:

The case of Serbian Asylum Seekers in Germany

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2018

GeT MA Working Paper Series
Department of Social Sciences
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Unter den Linden 6, 10099 Berlin

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DAAD  Bundesministerium
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und Forschung

GeT MA Working Paper Series

Published by the German Turkish Masters Program of Social Sciences (GeT MA), Department of Social Sciences at Humboldt-Universität zu Berlin.

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Please cite in the following format:

Jovičić, Jelena (2018): Violence and the Neoliberal Governing of the 'Unwanted': The case of Serbian Asylum Seekers in Germany. GeT MA Working Paper No. 13, Department of Social Sciences, Humboldt-Universität zu Berlin. [online] Homepage: Edoc Server Humboldt-Universität zu Berlin. URL: <http://edoc.hu-berlin.de/series/getmaseries>

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Das Asylrecht ist eines der meistdiskutierten Themen der letzten Jahre in der europäischen Politik und den Medien. Doch dieses Thema ist nicht neu. Schon das politische Klima im Nachkriegs-Deutschland nach dem Zweiten Weltkrieg ermöglichte eine kurze, aber progressive Debatte über das Thema Asyl. Seitdem hat die politische Debatte eine Reihe von Diskussions- und Diskursveränderungen erlebt, besonders die Verschärfung der Regeln für ein Asylrecht erfreute sich reger Thematisierung. In der Masterarbeit werde ich argumentieren, dass neoliberale Diskurse einen erheblichen Einfluss auf die öffentliche Meinung sowie Politikerergebnisse rund um das Asylrecht hatten. Verschiedene Formen der Mobilität, wie zum Beispiel die Figur des sogenannten “Wirtschaftsflüchtlings”, werden zunehmend kriminalisiert und gewaltsamen Praktiken ausgesetzt. Gewalt, so werde ich argumentieren, ist eingebettet in neoliberales Regieren von Migration und Mobilität. Dieser Prozess ist das Ergebnis einer diskursiven Verbindung mit ökonomischen Konzepten und eines Framings von Geflüchteten als neoliberale Akteure, als “unecht”, “illegal”, und als “Wirtschaftsflüchtlinge”, deren Ziel die Maximierung von Gewinnen sei und die deshalb nicht ernsthaft schützbedürftig seien. Die Masterarbeit wird durch eine Analyse der Erfahrungen zweier serbischer asylsuchender Familien in Berlin Einsicht in die Folgen solcher Praktiken gewähren. Die Ergebnisse stammen aus einer empirisch-basierten siebenmonatigen Feldarbeit in Notunterkünften für Geflüchtete sowie qualitativen Interviews mit den Familien. Sie verdeutlichen die ernststen Konsequenzen neoliberaler Diskurse, einschließlich des Framings von Geflüchteten, auf deren Alltag und Wohlbefinden.

Stichworte: Neoliberales Regieren, Asylrechte, Geflüchtete, Refugees, Label, Gewalt

The right to asylum has been one of the most debated topics in European politics and media in the past years. However, this is not a novel topic all together. The post-World War II political climate in Germany provided for a short but progressive debate on the issue of asylum. Since then the political debate has witnessed a series of discussions and discourse changes, mostly, towards the tightening of the rules surrounding the rights to asylum. In this paper, I argue that neoliberal discourses have an immense influence on public opinion as well as the policy outcomes relating to asylum rights. Certain modes of mobility such as those of the so called ‘economic refugees’ are being increasingly criminalized and subjected to violent practices. Violence is, I will argue, embedded in the neoliberal governing of migration and mobility. This is a process done through the attachment of economic labels and presenting asylum seekers and refugees as neoliberal actors, ‘fake’, ‘illegal’, ‘economic refugees’ who aim at maximizing profits and are thus not in genuine need of protection. This paper provides an insight into the outcomes of such practices by analyzing the experiences of two Serbian families seeking asylum in Berlin, Germany. Results stem from an empirically grounded account of a seven months long participatory fieldwork in accommodation centers for refugees and repeated in-depth interviews with the families. They point to the serious outcomes neoliberal discourses, including the labelling of refugees, have on their everyday lives and overall well-being.

Keywords: neoliberal governing, asylum rights, refugees, labeling, violence

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Index of Abbreviations

AIDA	Asylum Information Database
BAMF	Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees)
BMJV	Bundesministerium der Justiz und für Verbraucherschutz (Federal Ministry of Justice and Consumer Protection)
EASO	European Asylum Support Office
EU	European Union
Eurodac	European fingerprint database for identifying asylum seekers and irregular border-crossers
Frontex	European Agency for the Management of Operational Cooperation at the External Borders
IDP	Internally Displaced Person
IO	International Organization
IOM	International Organization for Migration
LaGeSo	Landesamt für Gesundheit und Soziales Berlin (Regional Office for Social and Health Matters)
NGO	Non-governmental Organization
SCO	'Safe Country of Origin'
UK	United Kingdom
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
US	United States

1. Introduction

Since 2011 Germany, along with other European countries, witnessed numerous debates, challenges and changes in discourses surrounding one of the most, if not single most debated topics – the refugee debate, or popularly – the ‘refugee crisis’. While a part of the civil society has been enormously engaged and in solidarity with those seeking protection in Germany, xenophobic messages, anti-immigrant rallies and attacks on refugee accommodations gained considerable public attention as well. Despite the view that Germany has shown great generosity when it comes to granting protection to asylum seekers and refugees research points to an overall growing restrictions and actual shrinkage of asylum claiming rights (Bosswick, 2000). While the general terms for being granted a refugee status are somewhat sacredly set by the 1951 Convention Relating to the Status of Refugees (i.e. Geneva), and the 1967 Protocol Relating to the Status of Refugees, national governments have been highly involved in re-negotiating these terms.

In Germany, the political debate has witnessed a series of discussions and discourse changes, mostly, towards the tightening of the rules surrounding the rights to asylum. The post-World War II political climate in Germany provided for a short but progressive debate on the issue of asylum. Followed by the incorporation of the Article 16 (2)¹ which includes political persecution as grounds for seeking asylum into the Basic Law (German: *Grundgesetz*), in 1948 in a parliamentary debate, the following was stated:

"If we include limitations [of the right of asylum], the police at the border can do as they will. In this case, the constitutional preconditions for the right to asylum have to be examined first. This examination is in the hands of the border police. This makes the right to asylum absolutely ineffective [...] We can only preserve the right to asylum with a clear and simple rule: persons persecuted for political reasons enjoy the right of asylum" (von Mangoldt 1948, quoted in Kreuzberg 1984, p. 40 as cited in Bosswick, 2000).

Much has happened since 1948. Successive influxes of refugees into Germany were followed by political discussion which contributed to the tightening of the rights to asylum. Examples being the 1980s and the refugees fleeing the military coup in Turkey

¹ Article 16 (2) is an Article of the German Basic Law (German: *Grundgesetz*) relating to the Right of asylum.

and the administrative changes which included the acceleration of procedures diminishing the rights to appeals, mobility restriction of rejected asylum seekers, and temporary bans on work rights for asylum seekers (Bosswick, 2000). The years to follow were marked by the emergence of discourses, especially in conservative political circles, about so-called 'economic refugees' (German: *Wirtschaftsflüchtlinge*) and corresponding institutional reactions towards the criminalization of asylum. The latter was reflected in the popular ideas that asylum seekers are not all 'genuine' victims but 'bogus economic refugees' trying to abuse the generous social system in Germany, and were therefore abusing the asylum system (German: *Asylmißbrauch*). Similarly, during one of the largest recorded number of asylum claims following the reunification and the wars and genocide in ex-Yugoslavia, the opposition parties (majority SPD) were urgently pressured by the government to comply with the amendment to the Article 16 (2) in the direction of further restrictions. After a series of right wing extremist violence reflected in the attacks on people with a migration background and asylum seekers, the dominant discourse becomes the one of emergency and in 1993 the opposition finally gives in to the amendment of the Article. The emergence of a new discourse is now reflected in the restrictions on asylum claims for those who passed through a safe state on their way to Germany as well as if they come from a 'non-persecuting state'. In the modern asylum law terminology these were the roots of the 'safe third country'² and the 'safe country of origin'³ rules (BMJV, 2015).

It is the concept of safe country of origin (SCO) that I pay special attention to in this research paper. Defined in the German Basic Law as the practice whereby the "*states may be specified in which, on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists*" (Deutscher Bundestag, 2012)⁴. The policy aims at speeding up and deterring further asylum claims from countries where persecution on any grounds generally does not exist. This homogenizing assumption of safety for all is something which was challenged by experts and researchers (Engelmann, 2014; Hunt, 2014). So far, German Asylum Act

2 Asylum Procedure Act, Section 29 Applications for asylum to be disregarded

3 Asylum Procedure Act, Section 29a Safe country of origin

4 Basic Law for the Federal Republic of Germany. Article 16a (3) – Rights of Asylum

(German: *Asylgesetz*) lists Albania, Bosnia and Herzegovina, Ghana, Kosovo, former Yugoslav Republic of Macedonia, Montenegro, Senegal and Serbia as 'safe'. As a part of the Asylum Package II (German: *Asylpaket II*), the German Parliament agreed on in 2016, Algeria, Morocco and Tunisia will be added to the list of SCO. These legal changes are followed by a revival of discourses regarding the 'genuinity' of refugees and asylum seekers. The underlying assumption is a binary distinction between the 'genuine refugee' as a passive victim, in contrast to the 'bogus', 'economic refugee', the one actively using his/her agency to profit from the generous social system in Germany. What remains unseen – are a dozen of different experiences driven by prolonged political and institutional maltreatment, often exceptional poverty and most importantly motivation for status and recognition, maybe exceptionality.

I propose that neoliberal governmentality, as first introduced by Foucault in late 1970s, is a concept which provides for new perspectives in the analysis of asylum policy and its impacts on asylums seekers' and refugees' lives (Walters, 2015; Walters and Haahr, 2005). Certain modes of mobility such as those of 'economic refugees' are being increasingly criminalized and subjected to violent practices. Violence goes beyond the physical expulsions of people through deportation or confinement to special accommodation or detention centers. It is also to be found in the naturalizing of violence, whereby the economic intelligibility establishes it as a rational behavior based on cost– benefit calculations (Oksala, 2011). Violence is, I will argue, embedded in the neoliberal governing of migration and mobility. This is a process done through the attachment of economic labels and presenting asylum seekers and refugees as neoliberal actors, 'fake', 'illegal', 'economic refugees' who aim at maximizing profits and are thus not in genuine need of protection. The labelling and negative discourses surrounding asylum seekers are in the neoliberal context by assuming everybody must be a neoliberal subject, an entrepreneur aiming at maximizing profits, a self-regulating actor taking risks to reach the 'end goal'. This attachment of neoliberal values to the peripheral policy fields such as migration management, whereby governance to date is weak and in which sovereign practices of ruling dominate, leaves room for violent treatment of asylum seekers who fall on the short side of the bogus/genuine refugee binary.

Who gets to exercise the sovereign power is commonly left unattended and unsupervised. It is the state which sets the rules, however various actors involved in

the migration are constantly negotiating these rules and asylum processes such as the security guards, asylum administrators, volunteers, social workers and others. Importantly, we must not forget that asylum seekers and refugees from SCO are not just objects of governing but also active agents in the negotiation process of the migration regimes (Tsianos and Karakayali, 2010). What remains unseen are the complex realities of asylum seekers from the so called 'safe countries of origin', whereby various different motives for fleeing interplay, as well as the everyday implications for those being labelled as 'bogus' and 'unwanted'.

This research project broadly aims at acquiring a better understanding of *how neoliberal governing of 'unwanted' migration is seen from the perspective of asylum seekers from Serbia*. Hereby I propose the following driving research questions:

How do Serbian asylum seekers respond and relate to neoliberal discourses and the environment which defines their lives so strongly under the current refugee regime in Germany?

What falls outside the neoliberal context – can (SCO) asylum seekers be regarded as rational economic subjects, the entrepreneurs?

Are there violent measures embedded in the neoliberal governing of asylum seekers from SCO, and if yes, which form do they take from the perspective of asylum seekers from Serbia?

In order to comprehend the complex web of interactions involved in such processes, research must adopt more interactive approaches. Firstly, this paper presents the existing literature on neoliberal discourses and governing in the field of asylum. Secondly, this study provides an insight into the outcomes of such practices by analyzing the experiences of two Serbian families seeking asylum in Berlin, Germany. A seven month long field research starting in August 2015 was conducted in an emergency accommodation center for refugees. Semi-structured interviews and participant observation were used in order to gain insight into the relevant research questions. There is still a large gap between the theory in this field and the empirical research findings (Barker, 2012). With this study I hope to contribute to a more empirically grounded approach and thereby contribute towards filling-in this gap. By doing so I hope to point to the serious outcomes neoliberal discourses, including the labelling of refugees, might have on their daily lives and experiences. I also aim to

contribute to an understanding of refugees and asylum seekers first and foremost as individuals with unique life and migratory experiences, as well as agents acting as a part of the migration regime (Tsianos and Karakayali, 2010).

The structure of this research paper goes as following. The current introductory chapter is followed by Chapter 2 – the theoretical framework, whereby I introduce and critically assess three streams of thought which are, in many ways, respectively built upon each other. As a part of the same chapter I focus down to the concepts and definitions derived from the three approaches and describe their relevance for this research project. In Chapter 3 – I provide a literature review on relevant topics such as neoliberal discourses and governing of refugees and asylum seekers which were introduced in Chapter 2. Relatedly in Chapter 4 – I proceed with the case study of Germany – the refugee regime development and the case of asylum seekers from Serbia. In Chapter 5 – I provide a detailed insight into the methodology, whereas Chapter 6 is dedicated to drawing of the main findings from the field. Before the conclusion – Chapter 8, I discuss the research limitations and provide special emphasis on the ethics of doing research with asylum seekers and refugees – Chapter 7. Each chapter contains subchapters which are listed in the table of content.

2. Theoretical framework

Inspired by Foucauldian studies, in this chapter I provide a detailed theoretical background in relation to the concept of *neoliberal governmentality* and the role of *neoliberal discourses* in imagining modern subjectivities. With the help of the writing of a prominent Foucauldian scholar William Walters, I introduce the links and usefulness of the concept of governmentality in studying international migration. Finally, inspired by ethnographic approaches to studying migrant populations introduced by Hess, Karakayali and Tsianos, I make use of the Foucault-inspired research concept of migration regimes in order to set grounds for this fieldwork focused research project.

2.1. Foucault and neoliberal governmentality

Firstly, I refer to the concept of neoliberalism used by Foucault in his series of lectures in the late 1970s (Foucault, 2008). Foucault argues liberalism and neoliberalism share the ideas on the autonomy of the market and the decreasing role of the state involvement in the economy. Both can be seen as political philosophies whereby market-like functioning societies are created (Thorsen and Lie, 2006). However,

Foucault argues that while liberalism is based on the ideas of the exchange, neoliberalism brings to focus the idea of competition. In essence, the difference lies in the views of the role of the state in relation to the market and whereas liberalism is dominated by the idea of 'laissez-faire' or non-interventions, neoliberal understanding assumes the intervention of the state in as much as the competition equilibrium is to be maintained. What comes after liberalism and therefore represents the *neo* part is the economic man whose entrepreneurial skills and freedoms as well as the states' role to ensure the right conditions through "strong private property rights, free markets and free trade" ought to create an environment dominated by competitiveness (Harvey, 2005, p. 2). Relatedly, the neoliberal subject is shaped by expectations of all-encompassing assumptions of market-based values in multiple spheres of life. An entrepreneur of itself, possessing a certain set of skills or 'human capital' which are to be continuously renewed in an attempt to stand out in the pool of others trying to attain the same exceptionality.

When referring to *neoliberal governmentality* I refer to a set of relationships between thought and rule, which, according to Foucault entails a change in the rationality in the conduct of government and relations with its subjects. This change can be seen in, what might at first seem counterintuitive. Namely, the appearance of the active and self-governed, free agents who are now governed through indirect practices of control whereas a decreased responsibility of the state is present and yet a modern sovereign state emerges (Foucault, 2008). The indirect practices of control can be identified in what Foucault calls the 'technologies of power'. Foucault argues that governmentality is a new form of liberal governance in contrast to that of the sovereign power of the prince or disciplinary power, often associated with the absolute power and violent acts. Since self-governance lies at the center of neoliberal forms of power assertion, violence is not readily seen, however one can think about a multiplicity of governmentalities whereas sovereign power is also present as a part of liberal political reason (Walters and Haahr, 2005). Butler (2004) discerns the reemergence of sovereign power in the practices of unlimited detention without the right to trials as seen in the case of Guantanamo prisoners in the US. Drawing her arguments from Foucault she rightly challenges the fact that some human lives are simply deemed undeserving basic human rights and asks under what conditions these dynamics happen (Butler, 2004, p. 57). Therefore some forms of violence remain embedded in

every political rule directed at different subjects and providing for different legitimizations.

For example, the neoliberal perspectives on the “moral virtue: the good and virtuous person is one who is able to access the relevant markets and function as a competent actor in these markets” (Thorsen and Lie, 2009, p. 15). The self-governing, responsible agents who compete in the free market and are ready to take the risks involved. Responsibility is the key here, one is to take success and failure as the consequences of the freely made decisions (Nozick, 1974). Therefore situations of social inequality and injustices can in the same manner be ascribed to the individual and seen as a consequence of bad choices, or the result of the risks one takes a neoliberal subject. It is the creation of the neoliberal subjectivities to which I want to give special mention here. Relevant for this research project, I want to examine if migrants, in particular the so called ‘irregulars’ can be understood as self-regulating, neoliberal subjects, as often emphasized in the media and the political debate.

2.2. Walters on Foucault: Linking governmentality and migration

When talking about *governmentality* in the context of migration, William Walters, a prominent critical scholar, mentions that “Foucault’s research interests extended to a remarkably wide range of human experiences. Migration — at least the cross-border kind — was not one of them” (2015, p.1). Besides his contributions to reevaluating the concept of governmentality and its usefulness for political studies (Walters and Haahr, 2005), Walters brings in the very link between Foucauldian studies and that of migration studies (Haahr and Walters, 2004; Walters, 2015a; Walters, 2015b). Special focus plays in the role of governmentality in regards to ‘illegal’ or ‘irregular’ migration in Western Europe. Walters (2008) points to the urge for exploring the discourses on ‘anti-policy’⁵ and within it anti-illegal immigration policy in Europe. He points to a general shift in national policies from a more open and positive attitude towards labour immigration to that of curtailing migration flows and a preoccupation with border policing (Walters, 2010, pp. 73–95). Furthermore, the political capital which is invested

⁵ According to Walters (2008), ‘anti-policy’ can be understood as “the western countries’ ubiquity of discourses, measures and policies whose stated objective is to combat or prevent bad things”. Other example the author provides are the “anti-poverty”, “anti-trafficking” and “anti-illegal immigration”.

in the anti-illegal immigration policy by far outweighs what is being done for opening the way for labour migration of non-EU nationals.

When considering the EU discourses in the realm of policy and law making, it is necessary to emphasize the emergence of the urge to prevent, combat or fight 'illegal' migration. Walters argues that such rational highlights the "radical conflict between 'us' and 'them'" and as such presupposed the incapability of, those supposed 'illegal' immigrants to assume a position in the political negotiations over the issues to which they are the main subjects of interest (2010, p. 82). Under these circumstances questions of what kind of migrant subjectivities emerge and what practices of power are being penalized remain to be answered (Walters, 2010, pp. 73–95). Offering a theoretic answer to such questions, Walters continues by explaining the imagined *spatiality* and *sociality* of 'illegal' immigration. Namely, there exists an assumption that irregular migrants come outside the borders of the EU members states and therefore have to be prevented to enter through border policing. The assumption that one is irregular before even entering the territory of a nation state stands despite data suggesting that most of the irregular migrants become so within the EU once their visas expire or their asylum claims get rejected (Clandestino, 2009, p. 3). Importantly, the concern over illegal immigration seems to be of a special form. As Walters explains, to fight it does not mean dealing with an American student working in a bar in London while overstaying a tourist visa. It is fighting the migrants who are constantly displayed in the main stream media as racialized others on ferries and boats on their way to the EU or the 'bogus asylum seekers' seeking protection without grounds to do so (2010, p. 85).

This thought leads to the imagined *sociality* of 'illegality' within the selective policy discourses on migration or the assumption of a specific "psychosocial types" which the irregular migrant will possess (Walters, 2010, pp. 73–95). The idea being that policy discourses will set specific frames or types of people who represent the illegal immigrants. These frames are, furthermore, interchangeable and flexible. Migrants are often represented as the victims of human trafficking and thereby need to be protected from such violence. This idea further perpetuates the need for anti-illegal immigration policy or as Walters names it "the quasi-humanitarian exercise in protection" (2010, p. 86). On the other hand it is the rational, self-governing migrant who, by using his/her agency strategically finds the gaps in laws and border control in order to maximize the

profits of migration, or as Walters puts it, the irregular migrant are the “savvy entrepreneur” (2010, p. 86).

In conclusion, Walters argues that the legal/illegal binary is not a social reality but a “normative description embedded in a political project” (2010, p. 88). Embedded in it is the idea that migration as an occurrence can be strictly categorized to represent those who are viewed as economically beneficial, those in a genuine need to protection and finally the rest who are to be brought back to where they came from initially. He further argues that EU member states’ policies have not taken measures as draconian as that in the context of counterterrorism, but what they have in common is the embedded assumption that migrant subjectivities, especially those deemed as irregular, will have no room for voicing their concerns in this political process. With this in mind I now turn to a search for a more specific research background concerned with migrant subjectivities and various actors involved which continue to shape the rules and experiences of the migratory process in Europe today.

2.3. Hess, Karakayali and Tsianos: Governmentality and regimes in the field

To assume that governing migration is a one-way process, whereby the government exercises power over the migrant bodies, is a simplistic approach. Just as Walters and Haahr (2005) argue that neoliberal governmentality goes beyond the level of policy, Hess (2012) suggests that migration is shaped by national and international discourses, set by multiple governmental and non-governmental agents. Furthermore, she urges for migration research to adopt an ‘ethnographic regime approach’ which combines ethnographic data collection with discourse analysis of the relevant issues. Importantly, there is a strong linkage between the concept of governance and that of a regime. This is due to the detachment from emphasizing that the government plays a main role in the process of regulating migration (Tsianos and Karakayali, 2010). Both approaches, however, exclude the very agency of migration, leaving it to appear as the “absent cause of governance” (Tsianos and Karakayali, 2010, p. 376).

Therefore, there is a need for a more accurate concept, whereby migrants are understood as the embedded actors in the process of migration governing. The view that there is a need to move beyond seeing regime structures as static and robust structures, but acknowledge them as complex and dynamic multiplicity, is shared by Walters (2015). I hereby introduce the concept *migration regime* which refers to a

collection of actors (e.g. migrants, state, NGOs) and actions (e.g. border crossing, border policing, visa enforcement, creation of new migrant labels) aiming at establishing a migration system. In recent studies, the term was most commonly used when referring to transnational migration, for example in the context of transit migration (Hess, 2012; Tsianos et al., 2009; Tsianos and Karakayali, 2010). Namely, in a large ethnographic research project called TRANSIT MIGRATION, the authors approach the (European) migration policy as a “conflictual process of negotiation” (Tsianos et al., 2009, p. 2). Karakayali and Tsianos (2010) argue that the attempts to control or manage migration are challenged by the fluid, irregular and multidirectional processes of mobility. However, one should not see migrant agency to cross borders as a ‘glorification’ of what Foucault refers to as the *homo oeconomicus* - the strategic, profit maximizing subject (Foucault, 2008). They emphasize that regarding migrants as solely economic, rational, and usually male subjects, provides for only a partial picture, since the role of family, networks and uniqueness of the experiences should not be overlooked.

In contrast, the topic of ‘transit migration’, for example, is approached on the level of analysis of the actors’ practices, as well as the technologies and discourses involved in the transnational governing of migrants. Hess (2012) explains the ‘invention’ of the term ‘transit migrant’, a concept which was unknown to the locals during their field study, but which was largely present in the guidelines and reports made by different governing bodies such as the IOM in the case of migrants, or the UNHCR or BAMF in the case of refugees and asylum seekers. The invention of such labels is, in a Foucauldian sense, not a mere conceptualization, but has far reaching consequences for the lives of the ‘transit migrants’ (Hess, 2012). Finally, the migrants’ biographies were gathered through interviews in an attempt to provide for a complete the picture. Although the hereby mentioned approach relates strongly to the idea of transnational governing, migration regimes exist on both national and international levels, and they are framed by both national and international law. In the following section, I specify the usefulness of this approach for the current research project.

2.4. Critical assessment of the theoretical framework

Now that I have introduced the general theoretical framework, I would like to narrow down the terminology to fit the environment of the empirical part of this research project. Namely, I set this study under the overarching concept of *governmentality*. I

use this concept, made available by Foucault, and further developed and extended to other fields by others (e.g. Walters, Hess, Karakayali), as tools on my way to understanding certain developments within the area of the so called 'irregular' or 'unwanted' migration policy. I propose *neoliberal governmentality* is a useful lens for studying this matter; however I stay critical to the absolution of such claim. I do that by critically assessing the available research on *neoliberal discourses* in the field of irregular migration and try to challenge dominant discourses on asylum seekers as neoliberal, economic subjects by using an inductive, qualitative approach to data collection. I refer to discourses in a Foucauldian sense, or to a specific structure of communication between those who govern and the governed, which is expressed and presented in a structured manner through the use of language. A discourse has a historically and culturally charged meaning. As such, the discursive practices add to the establishment of the orders of truth in a given society (Foucault, 1972). Throughout this paper, I argue that we can talk about neoliberal discourses in regards to asylum seekers and refugees, however I critically assess such practices as dominated and centered on the neoliberal, mostly Western-European nation states' world views. I come from the understanding that there is a 'patchy' existence of neoliberal practices which are not omnipresent but rather intersected with practices more commonly associated with sovereign power and violence. In doing so I examine the *spaces where violence occurs* in relation to neoliberal governing of asylum seekers and refugees.

Last but not least, in this paper I will pay special attention to a local migration regime – that in the city of Berlin, within a national frame – that of German migration regime. In line with the definition of migration regimes provided by Hess (2012) and Tsianos and Karakayali (2010) I define the *refugee regime* as a collection of actors and actions with an end goal of establishing a refugee system. It is based on national and international policies; however it is a fluid and ever-changing process with a constant interplay of power relations. I emphasize the national context of the German refugee regime. By incorporating the theory on refugee regimes in line with Hess (2012), I hope to enable the fieldwork findings to reflect the Serbian asylum seekers voices as a part of the 'ethnographic regime approach'. I find this approach fitting due to its emphasis on incorporating migrant agency and their power in negotiating the process of migration governing. As well as their resistance to labelling and violence embedded

in categorizing of people through market-based world views such as the case with neoliberalism discourses on refugees and asylum seekers.

Finally, I want to briefly elaborate on the use of concepts which are, throughout this paper, relevant to that of lives and conditions of refugees⁶ and asylums seekers⁷. Saying that, I most often refer to 'refugees and asylum seekers' together and do so in order to account for those with already approved status of a 'refugee' and those awaiting the approval. At the same time I do so in order to emphasize that every individual undergoing the process should have an equal opportunity to access the refugee status. The topic of this paper however, deals with the latest development in the asylum procedures which hinder the proposed equality of access. Therefore, I sometimes relate to people from SCO countries as asylum seekers, hereby emphasizing that I do not intent to reinforce an understanding of them as 'non-refugees'. I do so in a specific context which I explain in more detail before I use the term 'asylums seekers' to refer to their condition. Moreover, the terminology surrounding the legal questions of the rights to stay of individuals often ranges between 'illegal versus legal' and 'irregular versus regular' migration⁸. The question of certain asylum seekers is often intertwined with that of migrants or rather they are most often put together in the light of 'irregular/illegal' migration⁹. I use these terms solely to bring closer the problematics of the link between asylum seeking and policies on 'irregular migration'. Personally, I oppose the view that any individual can be irregular let alone illegal. With this in mind, I now turn to reviewing literature most relevant to this research project.

6 A refugee is a person who "as a result of events occurring before 1 January 1951 and owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." (Convention, 1951, Article 1 (A) (2)).

7 According to the UNHCR (2016) "an asylum-seeker is someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated."; "National asylum systems are there to decide which asylum-seekers actually qualify for international protection. Those judged through proper procedures not to be refugees, nor to be in need of any other form of international protection, can be sent back to their home countries.

8 According to the UNHCR (2015) "Migrants choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to return. If they choose to return home, they will continue to receive the protection of their government."

9 "The term "illegal migration" reflects, in its broadest sense, an act of migration that is "not legal", or an act of migration that is carried out against legal provisions of entry and residence." (Clandestino, 2008).

3. Literature review

Research linking neoliberal subjectivity and the portrayal of refugees and asylum seekers is somewhat plentiful and complex. In order to follow the evolvement of the 'bogus versus genuine refugee' binary one needs to examine how the idea of 'abuse of asylum' became a dominant discourse. Furthermore, how a collection of other discourses, such as those around 'asylum shopping' or 'economic migrant', simultaneously encouraged the neoliberal understanding of subjectivities, in this case asylum seeking populations. Research and critical discourse analysis in this field is fertile. It predominantly sheds light onto discourses of media outputs such as visual analysis through the use of 'asylum seeker-imagery' (Moore, 2013; Threadgold, 2006) and government-oriented – such as legal status analysis (Zetter, 2007, 1991). Moreover, the role of perceived agency of asylum seekers is shown to play a role in the rationalization of the 'good versus bad' migrant discourses (Hess, 2012; Kmak, 2015). In order to extend the theoretical background presented in Chapter II, I dedicate this chapter to exploring the following: 1. existing literature on neoliberal discourses surrounding irregular migration, in particular asylum seekers and refugees; 2. Literature on migration regimes and the role of migrant agency and resistance during the regime-negotiating process; 3. Research linking neoliberal governmentality and violence.

3.1. Bogus asylum seeker as a neoliberal subject: discourses on 'economic refugees' and 'asylum shopping'

To assume there exists a neoliberal governmentality in the realm of peoples' movement one needs to identify the problem and also the multiplicity of governmentalities involved in the process of governing irregular migration. The 'bogus asylum problem' is not a natural process but one imposed and directed towards certain groups which are identified as not compatible or undesired in the economical context of a nation state. In order to rationalize and explain the problematics of certain types of migration, the governments and policy makers first need to name the 'problem'. This is done though an invention of labels which leads to the fractioning of terms such as 'migrant' or 'refugee' into new subcategories. I argue there are neoliberal elements embedded in current discourses on irregular migration. In order to support my argument I use secondary literature to explain the invention of such labels regarding

media representation on the one hand and the law and governmental policy responses on the other.

3.1.1. The 'Border Spectacle' and the role of the media

In a recent paper De Genova explains the discursive practices behind what he calls "The Border Spectacle" – or the spectacle which presents the migrant 'illegally' as spectacularly visible (2013, p. 1181). The spectacle creates a new kind of migrant subject- the 'unwanted or undesirable' who is stigmatized for being opportunistic and profit maximizing. These discourses are complex and emerge as a combination of "language and image, of rhetoric, text and subtext, accusation and insinuation, as well as the visual grammar that upholds and enhances the iconicity of particular fetishized figures of 'illegal immigration'" (De Genova, 2013, p. 1181). Relevant for this research project, De Genova relates his understanding of the illegality, as enabled by a large body of law and policy which enables the conditions for a migration regime governing and labelling subjects as 'illegal'. Importantly, he links the idea of the spectacle to that of Debord or the idea that governing the society increasingly depends on the interventions of prompt communication (Debord, 1967/1995, p.19 as cited in De Genova, 2013). It is argued that the state power has grown to rely on the quick and shallow proliferation of mass-media discourses and imagery. Importantly, a link is also made between the late capitalist dynamics and the role of the borders. Namely, that they operate like permeable membrane which sort and rank those to be excluded or included according to an economic logic. Thereby a production of 'illegality' of those deemed unwanted takes place and De Genova argues this is done through "superficial and incomplete language" that further strengthens the essential attribute of their rejected desirability that of "labour for capital" (De Genova, 2013, pp. 1184–1186). In these circumstances, the possibilities for granting asylum are so slim and so intrinsically based on distrust that the dominant outcomes of the asylum regimes are an image of a homogenized group of the so called 'bogus' asylum seekers (De Genova, 2013, p. 1181). In relation to this, several studies have examined the direct role of the media in perpetuating such negative images of asylum seekers and refugees which I hereby introduce.

In a study conducted by Moore (2013) a discourse analysis traces the emergence of the 'asylum shopping' expression in 1993 and its intensified use since the 2000s. This research project investigated how this term was constructed as a part of coverage of

the news narratives of 'common EU asylum policy' and the European fingerprint database for identifying asylum seekers and irregular border-crossers (Eurodac¹⁰). Moore argues that in neoliberal capitalism, where social assistance, job security and the general belief in precariousness are shrinking, groups such as asylum seekers are assessed through the filter of a neoliberal discourse on entrepreneurship (2013). Namely, they are portrayed as responsible and active agents who chose a destination country with the end goal of maximizing their profits when securing their asylum. In this case study, they chose the UK due to their belief that they will receive better treatment. Therefore this term is normalized by combining a common market-related consumerist term – 'shopping' with a term used for seeking protection – 'asylum seeking'. Through the lens of a neoliberal subject the idea that everybody is seeking to maximize their profits by being responsible, entrepreneurial agents is now contrasted with the idea of refuge. This is the point where ideas such as the 'good versus bad' migrant or the 'genuine versus bogus asylum seeker' dichotomies emerge. Stemming from it comes the need for identifying and distinguishing those really in need and those coming for 'shopping'. Efficient means for policing migrant identities such as Eurodac are created in order to enable the identification of those who should have the right to mobility and those who simply do not (Moore, 2013).

In a related study Threadgold (2006, pp. 226-227) examines the asylum-related media discourses which, she argues, is by now well researched and portrays a regular story of the:

"increasing numbers of bogus asylum seekers, coming in waves and floods to overwhelm us, depriving us of access to scarce resources, and changing the nature of our culture, are criminals, deviant, certainly racially, ethnically other, and probably diseased. They may also be religiously other, linked to foreign terrorist threats, and are constructed as objects of fear and agents of threat and danger, a risk to the social body which is imagined as intact, uniform and white: and they are almost overwhelmingly male."

10 "The Eurodac system enables European Union (EU) countries to help identify asylum applicants and persons who have been apprehended in connection with an irregular crossing of an external border of the Union. By comparing fingerprints, EU countries can determine whether an asylum applicant or a foreign national found illegally present within an EU country has previously claimed asylum in another EU country or whether an asylum applicant entered the Union territory unlawfully" (European Commission, 2000).

In a study from 2003 a three months' daily news material from all UK channels was examined by means of content analysis (Buchanan, Grillo, and Threadgold, 2003 as cited in Threadgold, 2006). Major results stem from the use of visual content such as pictures being repeatedly shown on television out of context and often refereeing to the same source. They are most commonly pictures of men trying to cross borders by climbing fences, represented as 'criminals' being arrested by the authorities (Threadgold, 2006). Threadgold emphasizes the absences in research on asylum and asylum-seekers with reference to gender, class and neoliberal discourses. She explains why those same negative media narratives are so hard to combat since they embed a strong focus on the asylum seeker as the neoliberal subject, a consumer who is responsible for her/his own situation, independent of what might have been the historical context of their lives (Threadgold, 2006). Hereby the idea that it is government's responsibility to 'filter out' the 'genuine refugees' from the crowds of the other types of migrants who seek to obtain their profits emerges. In order to do so, the governments must create conditions and develop systems for effective ways to do so, a process often inseparable from gendered, classist and racist practices.

3.1.2. The role of policy making and legal developments

In a recent paper Kmak (2015) explains the role of law as well as discourses surrounding it in establishing the rational, moral neoliberal subject who represents the EU citizen, encouraged to use his/her mobility as a given. This is contrasted on the other hand with the economically inactive asylum seeker as the immoral subject who is "normalized through the recourse to the concept of bogus asylum seeker" (Kmak, 2015, p. 398). In order to explain the emergence of such binary we need to understand that the EU citizen who is also a migrant is understood and governed as an economic man who moves in order to undertake work or study in another EU country, therefore excluding the probability that this subject will attempt to rely on social benefits. Mobility is understood as beneficial and embedded feature of an EU working citizen. In contrast, EU law produces the other extreme which is another rational agent seeking to maximize the benefits of the experience of mobility, however this attempt is understood as immoral and therefore labelled as bogus, fake or bad intended (Kmak, 2015). Furthermore, it is argued that EU laws directed at regulating access and recognizing asylum claims, alongside the establishing of the Schengen zone and innovative border regulating and policing techniques, led to the creation of another

version of the economic man – “an asylum seeker who carefully calculates the risks and gains of choosing a particular destination of refuge within the EU” (Kmak, 2015, p. 401). This extends the creation of neoliberal subjectivities to all, including those attempting to reach EU member-states through unofficial channels and means.

The creation of such binaries goes beyond EU’s discourses on mobility of people. For example, Zetter (2007) explains the gradual response of national governments who “relabelled the normative conditions of refugee status determination” by unitizing certain asylum and immigration policies on the level of the EU (e.g. Dublin Regulations). The policies set in place to ‘filter out’ the ‘bogus asylum seekers’ and other migrants also greatly restrict the general possibilities of entry, despite the fact that asylum can only be claimed once on the territory of the country in question. Zetter (2007) further explains the process of fractioning of the term ‘refugee’ in Europe despite the absence of such dynamics in the Geneva Convention Acts. Importantly, he describes the ways in which certain member states of the EU renegotiate the Convention’s terms. For example, genuine refugees are presented as the ones badly served by the Convention’s label ‘refugee’ because of its exploitation by other migrant groups. This type of discourse was then used to justify the need for projects such as external asylum processing centers (one has to claim asylum before entering the territory of the destination country) or the push for harmonizing the asylum quota systems in the EU (Zetter, 2007). In the light of the raised numbers of asylum applications the term ‘refugee’ has been increasingly contrasted with that of the ‘economic migrant’ or the ‘bogus asylum seekers’. It is in the states’ interest, Zetter argues, to create new labels for what it is itself unable to manage- the very complex root causes for people to flee, such as mixture of persecution and socio-economic exclusionary practices (2007, p. 183).

Labelling has been a greatly present feature of policy creation and action especially in the area of social and development discourses (Zetter, 1991). The convenient images of the subjects labelled and accordingly targeted and treated is a process which embeds harmful processes such as stereotyping. The administration, it is further argued, assumes a powerful position to invent and attach labels while also assuming a knowledge about the needs of those targeted. So to have shelter and food is what a refugee needs. In this game of power relations the administration is able to justify its own legitimacy and it is exactly through this dynamic that the “institutional identity” of

a person is established (Zetter, 1991, p. 44). By a similar token, the institutional deem non-needs for the protection of refugees as unwanted push factors for the creation of labels more suitable for governing them. "Labels replicate the professional, bureaucratic and political values which create them" (Zetter, 1991, p. 44). Knowing this makes the examination of the impacts of the labels such as the 'asylum shopper' or the 'bogus refugee' essential in the neoliberal context. Simultaneously, we need to understand the ways in which various actors and discourses interplay in the process of creating such categories. Nevertheless understanding these processes is highly complicated and not always met with the highest of political willingness to do so.

In relevance to that, Castles (2004) addresses the complex role of neoliberal markets and globalization, in the sense of flows of goods as well as people across borders, in driving migrations especially from the so called global south and certain parts of the global north. This socio-political divide is, he argues, creating the greatest pressures for some to migrate due to a variety of motivations which eventually create the migration-asylum nexus that the EU member states are trying hard to disentangle. This neoliberal assumption that "people move if this maximizes their individual utility" (Castles, 2004, p. 208) has been one of the cornerstones driving migration policy in the recent years. However, he argues, this is an impartial reasoning ignoring the fact that those who move or flee are not simply a collection of individuals who respond to the market signals and administrative rules but are also "social beings who seek to achieve better outcomes for themselves, their families and their communities through actively shaping the migratory process" (Castles, 2004, p. 209). Accounting for this, I emphasize that safety and wellbeing of oneself and ones' family goes beyond the understanding of certain groups of asylum seekers aiming at maximizing profit. It shows us that, despite the negative discourses accompanying the idea of the 'economic refugee', people on the move are powerful agents who continue to renegotiate the rules of the game.

3.2. Refugee regimes: refugee agency and governing refugees - a two way street

In relation to the previous section of the analysis one can conclude that neoliberal policies which enable the creation of the bogus/genuine refugee nexus are complex processes which are influenced, acted upon and negotiated by numerous actors. In order to explain the particularities of the process of governing asylum seekers one

needs to go beyond the media portrayal of the states' responsibility to control the movement of 'the unwanted' and its reoccurring emphasis on the states' failure to do so. Why this is necessary is the very nature of the migratory flows which are far more complex than what the bogus – genuine refugee binary has to offer. In order to back this up with evidence I now turn to elaborate on *migration* and *refugee regimes*.

State policies are, as Sciortino (2004, p. 32) argues, only one source of influence when establishing a migration regime. We are to look at the regimes as being constantly re-negotiated and re-shaped over spaces and time such as illustrated here: *"...a country's migration regime is usually not the outcome of consistent planning. It is rather a mix of implicit conceptual frames, generations of turf wars among bureaucracies and waves after waves of ›quick fix‹ to emergencies, triggered by changing political constellations of actors"*. It is to say that migration flows are dynamic processes which have a 'life of their own' and which have the capacity for rapid adaptation and relearning. At the same time migration regimes are, in response to migration flows, constantly re-adapting, re-inventing themselves and usually exist with the end goal of circumventing or 'managing' the migration flows. Especially in the context of the so called irregular migration - all movement which falls outside the legally regulated border crossing rules of a nation state, a variety of labels are invented within the state's migration regime. These are a complex, 'overlapping strata' of legal status labels which stem from the states' efforts to categorize and implement policies accordingly (Sciortino, 2004). In this context, migration regime's actors are all those involved in making up and implementing the policies, state and non-state actors as well as those challenging and re-negotiating their terms such as migrants themselves or various NGOs working in the field of migration and refugee matters.

Despite the obvious hierarchy of power relations on the side of the state, as a part of the migration regime perspective, it is the migrants themselves who challenge the rules of the game. They do so by crossing borders (Tsianos and Karakayali, 2010), claiming asylum despite the national policies labelling them as 'bogus' asylum shoppers or by finding legal loopholes and learning about the gaps between the policy goals and its implementations (Sciortino, 2004). Within a country's migration regime some degree of policy failure seems inevitable; hence the current obsession with reinventing new ways of controlling migration flows.

In the context of *refugee regimes* trying to circumvent movement, Lippert (1999) argues that each policy which was developed as a part of the emerging refugee regime has eventually failed. These instances, however, did not lead to constructive reforms or the abolishment of the flawed practices but were instead reinvented as “new programs” (Lippert, 1999, p. 304). This reproduction of programs which are bound to fail is similar to Foucault’s description of prisons. Namely, the success of the prison was so great that despite its constant ‘failures’ it was kept in place and the idea of abolishing certain practices is by now unimaginable (Foucault, 1995; Lippert, 1999). Importantly, Lippert explained the historical development of what he calls the refugee regime. Firstly, he distinguished between national and international refugee regimes. Throughout the 19th century, there was an almost full absence of administrative concerns of nations over migration within Europe. The term ‘exiles’ was used to describe those who left their countries due to fears of persecution. The emergence of the international refugee regimes and what nowadays stands for a refugee person dates back to the First World War and later the foundation of the UNHCR in 1951 (Lippert, 1999).

Ever since a growing body of national and international state and non-state bodies play significant roles in negotiating the process of governing migration. Prominent examples are such organizations as state ministries for migration and refugees, think-tanks, NGO-s, IOs such as International Organization for Migration-IOM as well as actors involved in policing the borders such as Frontex¹¹, running detention centers or accommodation centers and last but not least, refugees themselves. There is an idea that the number of actors is certainly increasing, as does the policy and media attention given to refugee related issues, a new style of governing of refugees lives is emerging. Asylum policy moving towards becoming a central focus of government policy is a fairly recent development considering the historical perspectives on refugee regime emergence (Lippert, 1999). In a sense, one can argue that we are witnessing a crisis of governmentality reflected in a shift towards the strengthening of governing in the realm of management of movement and refugee lives. For a long time migration management and thereby refugees were sitting at the outskirts of the European policymaking concerns. It is in these cracks of a governmentality which is on the rise

11 European Agency for the Management of Operational Cooperation at the External Borders (Frontex)

where one can locate the use of sovereign power as an alternative style of governing. In the words of Antonio Gramsci "The crisis consists precisely in the fact that the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear" (Gramsci, 1971, p. 275). Different forms of migration coexist with the human condition, however the strategic aims at controlling and 'managing' specific forms of movement, including that of fleeing and refuge is, I argue, a more recent development. In relation to Gramsci, this gap can be seen as a result of an incomplete understanding about different forms of migration, refuge and their causes. It is in this gap and as a consequence of the incomplete governmentality that the sovereign type of regimes re-emerge. It is with this thought in mind that I introduce the last section of this chapter, in which I explore the relationship between neoliberal governmentality and violence and most importantly what it means for refugees' lives.

3.3. Neoliberal governmentality and violence: a self-fulfilling prophecy of a bogus refugee?

3.3.1. Neoliberalism and the violent act of labelling

For Hayek, a famous advocate of neoliberal thought, neoliberalism was the only way to end the political violence embedded in political ideologies such as Stalinism. To have large scale control over the economy, for instance in the planned economy was inextricable of violence which is a necessary state tool in order to impose such rules (Hayek, 1944). It was the lack of states' involvement in the market regulation which is understood as a natural given, regulating itself that should bring an end to political violence. On the contrary, violence is seen as embedded in neoliberalism as much as in other political projects such as socialist dictatorships. It is so because in order to minimize the involvement of the state in regards to economic choices and inclinations of individuals the state must work hard to create circumstances in which society runs according to the rules of the economic game (Oksala, 2012). Secondly, violence should not be understood as an external, solely physical coercion but lies in a much more subtle and therefore dangerous corner. It lies in the depoliticisation of violence by providing explanations of a strictly neoliberal, economic understanding. That is, violence is no longer a political or moral matter, but explained in terms of economic rationality.

How is this related to the governing of international migration, let alone refugees? Based on the literature presented earlier in this chapter, there is a dominant neoliberal

discourse in regard to 'irregular migration'. The terminology and the anti-policy structures such as the anti-irregular immigration policy where the 'economic refugee' disguised as an asylum seeker plays the protagonist, are integral parts of such discourses. If we assume that neoliberalism produces the idea that all rational behavior can be seen through the lens of economic reasoning, then using violence to maintain the competitiveness of the market is also a rational behavior (Oksala, 2012). The question of the morality of violence vanishes as long as one can make a calculable, cost-benefit calculation of its usefulness. To label somebody as an 'economic refugee' therefore enables violence of several forms.

Firstly, it invents a category which fits the idea of the market well – a person seeking to maximize the profits by claiming asylum in a particular country, however, an outsider, one which is not entitled to do so under the EU law (or any national law of EU member states). Thus, a person declared unwanted and not useful to play under the current rules of the game. Secondly, the ambiguity of such terms and their tendency to homogenize individuals under a broad term leaves room for maneuver for all actors involved in the given refugee regime. For example, in the sense of Lipsky (2010), street level bureaucrats are left with a lot of power in their hands when making decision about the outlook and perspectives of certain refugee lives. Therefore, Oksala (2012) concludes, neoliberalism is not simply an ideology which leads to the depowering of the government, it is a complex political project which aims at creating specific subjectivities well suited for efficient functioning based on the free market principles. And to do so it makes use of a form of sovereign violence in order to impose its power over certain lives such as the lives of the so called 'economic refugees'. To carry this label, in the environment in which the law and policy and a good deal of media increasingly overlap in their understanding of what needs to be done about the problem of economic refugees, might take a course of a self-fulfilling prophecy – first a faulty assumption then through a change in a behavior it becomes the 'truth'. The 'truth' here being reflected in internalizing the neoliberal discourses driven by a market-like understanding of refugees and asylum seekers.

3.3.2. Consequences of labeling for refugees and asylum seekers

The administrative labeling of refugees and asylum seekers can come with serious consequences. Research on the consequences of labeling mostly relates to the administrative constraints of the ambiguity of the term 'refugee' (Haddad, 2004;

Song, 2013). Namely, that the concept itself is unable to represent the condition of all those labeled as such, as in the example of internally displaced people (IDP). As a consequence, the aid and assistance, which usually comes from wealthier countries, tends to be unequally focused and distributed to those who most commonly come to mind when thinking about refugees. An example being people fleeing to neighboring countries. The uncertainty of who exactly one has in mind when thinking of the millions of refugees around the world, creates differential treatment and a different understanding of the urge to help and/or intervene by the governments involved in relief aid (Song, 2013). However, research linking the direct consequences of labeling for the everyday lives of asylum seekers and refugees is somewhat scarce. Relevant for this study I bring forward an example of how administrative labeling causes harm, especially in the case of ethnic minorities.

In an ethnographic study with Roma asylum seekers in Italy, Sigona (2003) explains the role that ethnicity plays in shaping identity discourses according to the administrative 'reception' in the country of asylum. For example, Roma asylum seekers in Italy are frequently referred to as 'nomads', a label which incites suspicion of "How can a 'nomad' be a 'refugee'?" (Sigona, 2003, p. 70). Furthermore, it is argued that administrative labelling has a powerful role in the identity shaping of a person or a group. Consequently, the labelling can skew the understanding of the greater society of who the subject in question is (e.g. a 'genuine' or 'economic' refugee). And beyond this, the labelling essentially creates ground for the general attitudes towards the 'labelled' group. As Sigona (2003) explains "Semantic conflicts are dramatically real in their effects and influence policies as well as our attitude towards the groups of individuals objectified by our definitions." Relating back to the afore proposed, namely, that there is self-fulfilling prophecy of the 'bogus' or 'economic' refugee, Sigona's (2003) approach and the results of the field study come in support of this effect. They support the argument that labels and the accompanying policies not only contribute to, but also create the 'issue' in the first place. As explained by Sigona "[...] once they define a group of people as a community and consequently allocate resources to them, they actually create a community: from those labelled 'nomads' to nomads" (2003, p. 70). In the light of these findings, I will explore the consequences of neoliberal discourses for the everyday lives of those labeled as 'economic refugees'. How one deals with the violent acts of labelling and where the spaces of resistance lie, remains to be answered by empirical studies to which I hereby attempt to contribute.

3.4. A Summary: Moving beyond the existing literature

In the previous three sections I presented existing literature relevant for this research paper. By doing so I explain the roles media and governmental debates and policies have in shaping the neoliberal discourses surrounding the issue of the so called 'economic' or 'bogus' refugees. Moreover, I explain these processes in relation to the refugee regimes, which are understood as complex and dynamic structures comprised of various actors involved in circumventing or managing the movements of refugees and asylum seekers. I further elaborate on the topic of refugee agency and their role as powerful actors as a part of a refugee regime. Finally, I argue that neoliberal governmentality lens provides us with useful tools for understanding the violence reflected in the room for maneuver of various, increasingly non state actors of a refugee regime. And whereas previous research on the consequences of labeling refugees mostly focuses on its role in aid distribution, the role of neoliberal discourses and labels such as 'economic' and 'bogus' refugees remains unclear. This research gap is where I place the contributions of this study while attempting to uncover the unique and complex motivations and strategies which asylum seekers from 'safe countries of origin' employ as they continue to challenge and negotiate the rules of the game. Importantly, I now turn to explain the motivation and relevance behind the German case.

4. Case study

In order to set grounds for analysis of the empirical data gathered in this study, I now turn to the German refugee regime in the context of state, laws and administrative practices. Additionally I pose the question if we can talk about an emergence of an *asylum regime*. That is, a set of state and non-state actors which attempt to govern a specific group – the asylum seekers. This thought might be misleading, but the construction of this 'status without status' is more than just a label. An asylum seeker is officially a person in a process of obtaining the refugee status. Once this status is approved, the person obtains certain socio-economic rights such as that of employment, health care access or education. As I argued previously, by emphasizing the need to separate 'genuine' from 'bogus' asylum seekers, various actors backed up by new laws or amendments, such as that of 'safe country of origin', gradually brought specific nationals within Germany to hold a status of an asylum seeker. This is at least until the point of their departure (or deportation). Due to the limited focus of this study

to a specific group of nationals, I finally illustrate this by taking the example of Serbian nationals who seek asylum in Germany. Since the empirical findings, which will follow, are recent events I now turn to explain the current actions taken by the German state and the administrative bodies in their attempt to effectively govern the so called asylum seekers from the 'safe countries of origin'. I proceed with a focus on the etymology of the 'economic refugee' and the administrative practices which accompanied such discourses. It would be false to consider these recent practices as completely novel since their current outlook is framed by a thick history of development of a refugee regime in Germany. Therefore, I will first provide a brief insight into the developments from 1948 to early nineties and then turn to explain the most recent changes.

4.1. Discursive practices: The etymology of the term 'bogus asylum' in Germany

To begin with, Bosswick (2000) provides a great summary on the development of German asylum policy since the end of the World Wars and the signing of the Geneva Convention. Importantly, he argues, the first asylum decree in Germany of 1953 was solely based on the conditions of the Geneva Agreement. The post-war era was marked as the one where the right to asylum was backed by a somewhat progressive understanding of who is eligible for protection in Germany. It is reflected in the amendment to the Article 16 (2) of the Basic Law (German: *Grundgesetz*) and the inclusion of the right to a political asylum. This process was highly influenced by the idea of future prevention of violence which followed the experience of the Nazi regime (Bosswick, 2000). Moreover, the Aliens Act (German: *Ausländergesetz*) from 1965 still largely rests on the terms of Geneva, however it relates directly to Article 16 (2) as the basis for asylum in Germany. Since then, the further making of the German national asylum policies can be imagined as a curvy road, with numerous shifts that came in reaction to the increasing numbers of people seeking asylum. One can argue that there was a progressive shrinkage for granting asylum in Germany (Bosswick, 2000, p. 51). For example, the sudden rise in asylum claims during the military coup in Turkey in the 1980s was met with numerous administrative changes such as dropping the possibility to appeal on the rejected claim. German law also placed restrictions on rejected claimants to remain in one federal state (Asylum Procedural Law) or the prohibition of right to employment during the first year (later five years) of stay in Germany. These

administrative actions were followed by a change in discourse and the emergence of terms such as 'bogus asylum seekers' (German: '*Scheinasylanten*') (Bosswick, 2000, p. 45).

A similar line of events can be traced throughout the 1980s, whereby in the state of Baden-Wurttemberg, the demining term *Asylant* entered the pre-electoral political debate. The term was first incorporated in the administration in the late 1970s, and due to its new political significance it was followed by the first far right groups' deadly attacks on asylum seekers. The discourse was pushed to that of an abuse of asylum, (German: *Asylmissbrauch*) since it gained an increasingly important role in politicians' speeches on the problems of the 'economic refugees' (German: *Wirtschaftsflüchtlinge*) who seek to abuse the generous social system of Germany (Vollmer, 2014, p. 119). A sharp decline in approving asylum claims was explained to be due to the above mentioned 'problem'- a drop from 29% approval in 1985, to just 9% approval in 1989 (Bosswick, 2000, p.46).

Moreover, the period of the increased numbers of asylum claims followed into the 1990s, mostly made by people fleeing conflicts in Yugoslavia. Outbursts of neo-Nazi presence and violent attacks on foreigners took place simultaneously. Bosswick (2000) argues that one of the explanations for the increased violence against foreigners can be found in the dominant political discourses. For example, due to the majority parties' perceptions that the state is failing to deal with the 'issue' of '*Asylanten*' and the opposition's reluctance to support the tightening of the asylum rights in Germany. More specifically, the idea is that the 'soft touch' state (Tyler, 2013; Woolley, 2014), unable to act effectively, creates room for civilians feeling responsible to 'deal with' what they consider to be the current cause of societal issues (in this case the '*Asylanten*'). In response, the state refrains from supporting the violence, nevertheless, it adopts the view that, in order to circumvent the violence, the number of asylum seekers needs to be urgently decreased and the 'problem' of 'economic refugees' immediately combated (Bosswick, 2000). By doing that, the state further reinforces the stigma which follows refugees and asylum seekers in the first place.

Relatedly, in his book on policy discourses on irregular migration in Germany, Vollmer (2014) provides an excellent insight into the very issues this paper focuses on. A

political discourse analysis of a specific theme – ‘irregular migration’¹² is performed by analyzing speeches and discussion of main political actors on the matter. The time frame is 1973 to 1999 and split into three sub frames which, according to Vollmer, correspond to the major shifts in the “regulatory systems” regarding irregular migration (2014: 49). The discourse analysis provides evidence for three different periods (i.e. 1970s, 1980s and 1990s) marked by different frames of political discourses, and followed by policies coming in reaction to them. Hereby I purposely avoid commenting on the ‘victim frame’ of the 1970s which came in reaction to the living condition of the then migrant workers. I will focus on the second two frames which are highly relevant for the development of neoliberal discourses on asylum in Germany.

In the 1980s the victim frame gradually changed course to that of ‘bogus asylum’, starting with the list of guidelines for policymaking known as the Policies on Foreigners (German: *Ausländerpolitik*). This point represents the beginning of the link between asylum seeking and the exploitation of the asylum system, which effectively grew to signify a sort of ‘illegality’. A policy change that followed was, for example, The Asylum Procedural Law amendment, introducing the restrictions of asylum seekers to one federal state, as well as a specific area or “communal accommodation” (2014, p. 126). The rationale behind it being that these policies will provide for an improved control over the numbers and activities of asylum applicants. In essence, to govern ‘bogus asylum seekers’ meant to start effectively managing them, a process highly relevant in the neoliberal setting. By keeping people in confined spaces, the costs of transport and possible deportation could now be minimized.

Finally, the third period – that of the 1990s, is reflected in the reaction to the growing numbers of asylum applications stemming from numerous conflicts in Europe and elsewhere, as well as the fall of the wall dividing Germany. Discourses around urgency, threats to internal security, as well as cultural infiltration by foreigners weighed over some attempts by the opposition parties, like the Green Party (German: *Bündnis 90/ Die Grünen*), to push for more humane/human rights focused discourses (2014, p. 139). The Greens openly opposed the use of the term ‘bogusness’, which was entrenched in

12 The aspects of the asylum relevant to this paper are included under the topic of irregular migration’.

the dominant policy process lead by the CDU/CSU fraction. This period is reflected in an amendment of the Article 16 (2) under the explanations that the right to asylum needs to be protected from further abuses by the 'bogus asylum seekers'. Additionally, an intensely restrictive Aliens Act is introduced and comes into force in 1991. This furthers feeds into the neoliberal setting for governing 'bogus refugees' in particular. This happens through a large expansion of the administrative sectors in charge of processing asylum applications. The aim being to accelerate the procedure and ensure an immediate deportation of failed asylum seekers upon a negative decision. By placing emphasis on accelerated procedures, the right to appeal to the negative outcome was severely circumvented. These processes are well suited to the neoliberal understanding of efficacy and cost minimizing. The next step here being the rapid enlargement of the bureaucratic system in charge of 'managing' the asylum seekers and refugees.

In this section I did not aim at providing a complete overview of the development of asylum policy, but aimed at giving an insight in the dominant discourses over this period of time in Germany. With this in mind, I now turn to more recent developments regarding 'bogus asylum' in Germany, with an emphasis on the case of asylum seekers from the Western Balkan regions.

4.2. Current developments: 'Safe country of origin' and the 'problem' of asylum seekers from the Western Balkans

Discourses surrounding what Zetter calls "more labels, fewer refugees" are present in the German setting for decades. However, many of the emerged labels found their place under the legal framework embedded in the concept of the 'safe country of origin'. According to the Geneva Convention and the EU law they "consider a country safe when there is a democratic system and generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment, no threat of violence, no armed conflict" (European Commission). The SCO has not met international harmonization. Also it is up to the national governments to determine which 'safe' country is thus unable to 'produce' refugees. In the German Basic Law it is defined as the practice whereby the *"states may be specified in which, on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that*

neither political persecution nor inhuman or degrading punishment or treatment exists" (Deutscher Bundestag, 2012)¹³. This concept is not a new one in Germany, Senegal and Ghana hold this label since 1993. They are followed by Serbia, FYROM¹⁴, Bosnia and Herzegovina (since 2014) and Kosovo, Montenegro and Albania (since 2015). As a part of the new proposal on amendments to asylum rights (Asylum Package II) - Morocco, Algeria and Tunisia are the next ones to be added to the list of SCO.¹⁵ Essentially, to be an asylum seeker from the SCO means for your application to be predetermined as unfounded. Although legally every applicant needs to be heard and their application considered on individual bases, certain measures taken are hindering the regular legal framework under the Convention. For example, the accelerated procedures for applicants from the SCO are set in place in order to process their asylum claims, ideally, in the time frame of three weeks. Certain NGOs and political parties point to the problems of shortening this procedure due to the lack of time for people to set up a complete asylum claim (AIDA, 2015, p. 49). Additionally, the SCO policy hinders the right to appeal on asylum decisions. Finally, this policy provides for great room to maneuver for the relevant administrative bodies in interpreting what is appropriate under the SCO provision. For example, in 2015 the first reception centers dedicated specifically to asylum seekers from SCO, or the "Balkan Warehouses" (German: *Balkan Lager*), emerged in the federal state of Bavaria (Bavarian Ministry of the Interior, 2015). The presence of such accommodation raised concerns about them resembling detention centers (Refugee Council of Bavaria, 2015).

By determining and implementing the list of SCO, governments contribute to the dominant neoliberal discourse on asylum seekers as homogenized, economic subjects, the ones not deserving protection and therefore deemed to leave or be banned from entering a national territory. The implications of this strategy come at a great cost. Despite the large public discussion on the asylum seekers from SCO, I argue that we know very little about who this, highly politicized group, comprises. In the next section I bring forward the numbers and demographics of the SCO asylums seekers in Germany.

13 Basic Law for the Federal Republic of Germany. Article 16a (3) – Rights of Asylum

14 the former Yugoslav Republic of Macedonia

15 More on Asylum Package II https://www.bundesregierung.de/Content/EN/Artikel/2016/01_en/2016-01-27-treffen-bkin-pm-laender.html Accessed on April 15, 2016.

4.3. Who are the asylum seekers from 'safe countries of origin' in Germany? Focus on Serbia.

Since this research project is based around the data gathered while interviewing two Serbian families, I hereby focus on the SCO policy in the Western Balkans case. Figures show an overall increase in asylum applications made by citizens of the visa-free Western Balkan countries since the visa liberalization processes started in 2009. This phenomenon is understood as a year round, repeated process; meaning the applications are being made throughout the year, and second or multiple applications by the same person are on the rise. Germany is the largest recipient of applications from the Western Balkans SCO, as the intake rose from 12% in 2009 to 75% in 2014. These dynamics are placed forward in order to explain Germany's move towards proclaiming all Western Balkans states as SCO. Importantly, Serbian citizens were the single largest nationals applying for asylum in the EU – constituting for 42% of all Western Balkan applicants in 2013, out of which 82.6% of the asylum applications were filled in Germany (European Commission, 2015).

The asylum approval rates have dropped throughout the EU for all Western Balkans countries nationals because, according to the European Commission, most are proven unfounded (2015). Interestingly, what is referred to as the "unfounded asylum-to-return ratio" – or the ration of rejected applicants that return to their country of origin, is about four to one. Meaning that about 75% of the rejected applicants remain in the country of application or elsewhere in the European Union. The methods of returning failed asylum applicants differs, and in the case of Germany largely rest on enforced returns or deportations (European Commission, 2015). In Germany the total number of applications from Serbian nationals, that is excluding the asylum seekers who are re-applying, dropped from 27.000 in 2014 (SCO implemented) to 26.500 in 2015. Additionally, in the first two months of 2016 the total number of applicants from Serbia in Germany counts at 1.873. The figure is about a third of the applications from the first two months of 2015 (BAMF, 2016).

The latest statistics might point to a more intense drop of applications in 2016, and although it is too early to assess the statistical effectiveness of the SCO policy, so far, I argue, there is room for challenging if the assumptions embedded in the policy, and the means for 'managing' the incoming applications, actually make sense. What remains hardly explained in the statistical reports is who the people from the SCO are.

Additionally, what is widely unspoken is that most of the applicants, almost 90%, are different groups of ethnic Roma backgrounds, largely families with children (EASO, 2015). Discrimination, unemployment and access to education and health services remain a major concerns among the Roma persons in Serbia and the region (UNDP, 2006). And even when it is accountant for this detail, much remains unspoken about issues such as gender specific discrimination, or the fact that many Roma persons also count as internally displaced people and refugees inside of Serbian territory. Whereas the focus of this research is on the interaction of the SCO asylum seekers and other actors under the current refugee regime, I try to incorporate the above mentioned demographics in hope of a better understanding of their motivations and their condition as asylum seekers in Germany.

In the sections above I explained the emergence of neoliberal discourses on asylum seekers in Germany and provide an insight into the institutional developments which follow such discourses. I narrowed down focus onto the case of Germany and I now turn to the empirical half of this research project. In the next chapters I provide information on the methodology used for this fieldwork study, the analysis of the data and the discussion on the major findings.

5. Methodology

5.1. The setting and participants

This study was fully conducted in Berlin, Germany. In my perception several aspects make this location particularly interesting for field work with asylum-seekers and refugees. One being Germany's dynamic post-World War II policy developments in relation to asylum. To situate the results of this study to certain historical developments surrounding the topic of asylum makes it a particularly interesting case. Another aspect being Germany's current role as one of the Western European countries receiving the highest numbers of asylum seekers. These figures were soon followed with several policy and law amendments which make field research in the German context ever so important. In this study most of the data has been gathered inside the so called emergency accommodations (German: *Flüchtlingsheim*) – in participants' rooms, and during their visits to relevant asylum claiming administrative offices (e.g. LaGeSo). Information was also gathered during their visits to legal counselling services.

Participants in this study are two Serbian families who seek asylum in Germany. Both arrived to Berlin in August 2015 and were originally accommodated in the same location in Berlin. I used *theoretical sampling* whereby the suitability of participants was established prior to the selection and re-specified after the initial findings. I initially established contact with four families, out of which I lost contact with one family due to their deportation, and I excluded one family from further analysis because they have been living in Berlin for more than two years. The criteria was finally set as following: a Serbian national, asylum seeker in Germany and residing in Berlin not longer than two weeks. I wanted to create a strong focus group based on the nationality of the asylum seeker, host country and finally place emphasis on the *period of the arrival*- which is a time when many administrative hurdles start to evolve. Additionally, due to their status of asylum applicants from the SCO, the actual period of stay in Germany is unpredictable and therefore problematic for fieldwork studies. The actual selection of the participants can be explained as a snowball-effect strategy. After meeting the first participant that was determined as suitable according to the above mentioned criteria, I soon got in contact with the rest of her family and the other Serbian family accommodated in the same location. I refrained from direct interviews with children due to the sensitivity of their situation, and the already great level of novelty involved. Throughout the time spent with them, I established more trust and children's contribution to the discussions was occasionally included but only on their initiation. Therefore, a total of four adults participated in a course of approximately five months.

5.2. Data collection process

The empirical data for this study was collected through a series of semi-structured and unstructured interviews and participant observation. All interviews were conducted in Serbian- the mother tongue of all participants. I refrained from using voice or video recording due to the ethical issues of revealing asylum seekers' identities. Additionally, I believe I obtained better quality, genuine material by being fully focused on the people's stories, especially due to highly stressful events they were at times sharing. I wrote down notes right after our meetings, and always completed the full transcript on the same day of the interview. All transcripts were immediately translated from Serbian and written down in English. I evaluated the material after transcriptions and before the next interview round. I entered the field with a general interest in

administrational practices involving asylum seekers from the so called 'safe countries of origin' as a part of a neoliberal setting in Germany. In particular I was interested in Serbian asylum seekers' experiences and perception of the administrational treatment in Germany and labelling as SCO applicants. I obtained a firmer research focus while gathering responses through interviewing, especially during or right after their encounters with the administrational bodies. It is important to mention that I was an active participant since my data collection was at times intertwined with my role as a volunteer.¹⁶ I consider this role as a positive asset to the data quality, since the established trust helped participants open up and share. This should of course be seen as a process, since I witnessed their stories changing due to the sensitivity of their situation and their fear of revealing something that could go against their asylum claim. On the other hand, my partial role as an 'insider researcher' is challenging, and brings up certain methodological and ethical concerns which I elaborate on in the *Limitations and Ethics* (Chapter 7). I ended the collection at the moment when data saturation was met, in this case once I felt the material has not encountered much novelty, or quality, in answering the driving research questions.

5.3. Data analysis process

The method of analysis is mainly *case focused*¹⁷. By following Weiss (1994, pp. 151-182) in his guidelines for organizing a report, I understand this paper as case focused, since it explores the everyday experiences of specific individuals within a context of their lives as asylum seekers from the SCO. For the purpose of data analysis I made use of the QDA miner Lite¹⁸ software - a downloadable freeware for storing and analyzing qualitative data such as interview transcripts. The software enables one to create codes and categories in a systematic and organized manner. In order to make sense of the vast amount of data collected, I engaged in several stages of data analysis. Firstly, I carefully arranged the interview transcripts according to the time of collection. I read the material thoroughly several times and started by using open coding (Strauss and Corbin, 2008, p. 46). I would write down concepts which appear in each sentence, sometimes as often as line by line- for example "punishment". After

16 I volunteered throughout the research process. I mostly helped with translation assistance inside and outside their accommodation center.

17 Interview transcripts, as well as open and focused coding tables can be found attached.

18 Can be downloaded from: <http://provalisresearch.com/products/qualitative-data-analysis-software/freeware/>

this I would reassess the codes and try to identify how this person defines these concepts, and who are the actors involved. "Punishment" is mentioned, for example, in the context of the administration office giving them a penalty for not making it on time for the appointment.

Moreover, I would broaden analysis to paragraphs and make use of the *focus coding*. By using the open codes I would try to identify the strongest points (codes) which sum up the voice of the interviewee (Strauss and Corbin, 2008). For example, the experiences of the administrative "punishment", but also the ways they resist such punishment. This way I would also check for wrong interpretations of the open codes and in order to proceed with deepening the meaning of the single codes I used *axial coding* (Strauss and Corbin, 2008). I tried finding connections between different codes and placing them under a broader *category*. For example, codes "punishment", "power", and "security guards" can be linked to ways in which power is exerted onto them by various actors. Moreover, I would learn who they regard as power holders, and how they perceive the treatment they are receiving. This could be placed under category "violence". Additionally, I would mark particularly strong expressions (*in vivo codes*) and further explore the perceptions and emotions in question. This would help me reflect on the categories I derived from coding, and try to see a greater picture – indices of the possible macro meanings. Finally, I further examine each category by trying to relate it back to the general question: *How is neoliberal governing of 'unwanted' migration seen in the perspective of the asylum seekers from Serbia?* In particular:

1. How do Serbian asylum seekers respond and relate to neoliberal discourses and the environment which defines their lives so strongly under the current refugee regime in Germany? → Category I: Neoliberal appropriation
2. What remains outside of the neoliberal setting and its influence – what else plays a role in their experiences of flight? → Category II: The unseen
3. What are the outcomes and implications of such discourses for them? → Category III: Violence and Resistance under the local refugee regime

5.4. Introducing the interviewees

Family I. N. and E. are a married couple from Serbia, they define themselves as Muslim Serbs. They came to Germany with four of their children – ranging in age from

2 to 12 years- after being rejected for asylum in another EU country. They spent all their savings amounting to about 3000 Euros on the trip costs, and while waiting for the asylum decision in the first country of application. N. and E. are off-the-peg textile workers, and back in Serbia they both worked up to three jobs at the time. After five years they managed to build their own house and move out of N.'s family house which they shared with his parents.

E, female (32). I met E., along with her children, in the charity clothes room of the emergency accommodation in Berlin. As a volunteer, one is instructed to give everybody exactly five minutes to grab five pieces of clothes from piles of men's and women's second hand clothes. The children were playful and ran around trying to help E. gather something for everyone. She took my contact details and we met up in their room some days later. E. talks a lot about their home back in Serbia throughout our meetings. She looks back to the comfort and independence of having their own place with great nostalgia. Most of E.'s family members have some ties to Germany. Her sister and brother are married and live in Germany, while her father and younger brother are seasonal workers in Germany. To be a seasonal worker means to come work for a maximum of nine months in a year and having to come back to Serbia for three months. E. is the only member of her side of the family which is residing in Germany as an asylum seeker. Throughout our talks she increasingly emphasizes her concerns about staying in Germany, and her wish to go back home. E. starts wearing a headscarf two weeks after we met. Many people take it as a shock, she explains, but she is desperate and feels the need to get closer to her faith. A refugee woman from Libya, who she meets on daily basis, helps her tighten the headwear up. But it chokes her since she is not used to wearing it, she explains. N and E had a fight over her head wear and did not talk for a few days because N. found this move unnecessary. She complains that he refused to speak to the children as well. Despite her strong will to leave, she always mentions not daring to go back alone with the children.

N, male (39). I met N. during our first interview meeting. He is a humble and seemingly shy person. He worked two jobs back in Serbia and believes one can always find a job if one tries. This is why he believes the family needs patience, and they might get a chance to stay in Germany. He quarrels with E. often since she is of strong opinion that the family was better off back home. N. disagrees and refuses to pull back the asylum. Since their asylum application is addressed to him, E. sees little space for

opposing his will. He showed great curiosity about what I am doing, and was very engaged in our discussions. He reads newspapers on daily bases and passionately debates topics such as Serbian and migration politics. His greatest aspiration is to find his way in the German labour market. He expresses that he likes the German mentality because of their working ethics. He describes that people back home want to earn easy money – that is “they expect to work for a week and build a house, but people in the West work their whole lives for such things”. He knows several people who managed to stay in an EU country by first seeking asylum. Therefore, he is eager to stay in Germany.

Living conditions. The family lives in a newly opened emergency accommodation that houses 200 asylum seekers. After sharing a room with two Russian speaking families for almost two weeks they are transferred to a private room which is about 20m² and has large windows and high ceilings. Three bunk beds lie in the middle of the room tightly next to each other. There are no curtains and the floor is stained. There is a small sink and no chairs, tables or place to store the clothes. Their bags are lying in one corner of the room half open, the hand-washed children clothes are drying on the window arches among the empty coffee and tea cups. The security guards often enter the room and give them instructions of different sorts. During one of our interviews the security guard entered to say that somebody on their floor has been defecating on the ground for days and that the cleaners are now on a strike. In case the security finds a child going alone to the toilet, their parents will be identified and they will have to leave. He adds that it is not allowed to keep anything on the window arches, and therefore they need to move the wet clothes and empty paper cups. As he leaves E. explains that lights go off at 22h every night and the room doors cannot be locked at any time. We are seated on the floor and the children are repeatedly entering the room with new treats the volunteers gave out to them. They gossip about greediness and other children taking things out of their hands. The security guards are always in the hallways. Each floor houses about 30 people and there is one toilet per floor. The showers are outside of the accommodation in a local gym. Everybody has ten minutes a day to shower. I follow the family on their repeated visits to the LaGeSo. I have been documenting their experiences from August 2015 until February 2016. They remain in the same accommodation and are still waiting for an interview at the BAMF.

Family II. P. and J. are a Roma¹⁹ couple from Serbia, both in their mid-thirties. They come from a small village and their family houses are down the road from each other. Neither of them completed primary school education but J.'s children still go to school. The couple is together for one year now, but their trip to Berlin was a decisive moment because both of them left their actual families in order to be with each other. P. left his wife and J. left her husband and three children. They left Serbia with about 1000 Euro savings. This is their first time abroad, they took a bus to Berlin and upon arrival got lost and spent the first night sleeping in a park. They found their way to the police next day and finally spent a day in front of LaGeSo. Before being sent to the emergency accommodation they spent two nights at a place of some people passing by who offered them shelter. I met them in the hallway of their accommodation center. I inquired them about doing interviews, we exchanged contacts and I waited for their call.

J, female (35). Back in Serbia J.'s family mostly relies on social help and lives in an old-fashioned mud house. She left her children behind and cries every time she talks about them. Back home, J. cleaned apartments for people on part time basis. She sometimes worked for 12 hours a day and earned about 2000 Dinars which amounts to less than 20 euros. She talks about bad working conditions and especially short breaks during long working hours. Her boss would tell her off for wasting time smoking. I met J. in the courtyard of their accommodation center. She was telling P. off for complaining about food. She tries to see the positive side in everything she explains. She describes her embarrassment of arriving to Berlin and being unable to change her sanitary towels because she spent the first night in a park. She slept on a cardboard box on the floor under P.'s legs hanging from the park bench.

P, male (38). P.'s family back in Serbia is wealthier than J.'s and have built a brick house. There he used to work on demand as a scrap metal collector and recently took state subsidies for self-employment which is specifically directed at ethnic minorities. His firm failed after he was not able to pay the monthly taxes and he closed down the business. He has never been employed with a same company for more than a couple of months, he says Roma people in Serbia do not get official employment, but have to

19 The interviewees did not specify which subgroup of Roma people in Serbia they belong to therefore I continue using the term Roma throughout this paper.

rely on seasonal jobs. This is why he prefers working independently but mentions that the 1990s were much more prosperous for his field of work. One could find whole industrial complexes abandoned after being shut down during the wars and the persisting financial crisis in Serbia. Nowadays he is not working in a niche sphere anymore, there are big firms that are more organized and have connections and money to buy off steel before him. I met P. in the courtyard of his accommodation center. He was rolling cigarettes from a large tobacco box. He spent his last money on a sim card and the tobacco. He complains about the lack of food and his bed being uncomfortable.

Living conditions. Their room is small and they are sleeping on two connected metal sun beds with no mattresses. Their two bags are on the floor and I sit on the edge of their beds during the interviews. An old yellow linoleum flooring is covering the ground. The couple was moved from Berlin to a small town near Brandenburg about 1.5 months into their stay in Berlin. They were now housed with 170 other people in a large hangar. After two weeks there they pulled back their asylum claims. J. received her passport before P. and wanted to leave without him. I met her in Berlin and assisted her to catch the bus to Serbia. She opened up to me saying they had a fight and P. accused her for leaving him and physically abused her on several occasions. P. left about a week after J. I learned from him that she got back to her husband and children which he talked about in an upset manner. I followed J. and P.'s visit to LaGeSo in Berlin since August 2015 and throughout the process of pulling back their asylum claims in Brandenburg. I have no contact with either of them since they left Germany in November 2015.

6. Results of the analysis

The findings from this field study will be presented as a threefold structure. Firstly, I analyze the participants' appropriation of the neoliberal discourses and labelling, by examining the role of different identities that asylum seekers from Serbia internalize or resist (Category I: Neoliberal Appropriation). Secondly, I analyze and present the unique explanations of what remains outside of the neoliberal setting and its influence (Category II: The unseen). Finally, I elaborate on the violence and resistance which they report and act on in the context of the German asylum regime (Category III: Violence and Resistance under the Local Refugee Regime). A summary of the analysis structure is to be found in Figure 1 (*Appendix 1*).

6.1. Neoliberal appropriation: economic internalization and effects of the 'genuine-bogus' refugee categorization

6.1.1 The inner entrepreneur? The 'economic refugee' with no profit at sight

As supported by literature on neoliberal subjectivities, the creation of the market-like society takes place whereby competition, self-governing and entrepreneurship are to become integral parts of individuals' lives (Foucault, 2008; Harvey, 2005; Thorsen and Lie, 2006). In relation to governing refugee lives, we see a fractioning of the label 'refugee' into at least two categories, those being the 'genuine' and 'vulnerable' refugee – in need of protection; and the 'bogus', profit maximizing 'economic refugee' – disguised as an asylum seeker. Law, policy and the media all intertwine to categorize certain groups, including Serbian asylum seekers, as the latter (De Genova, 2013; Moore, 2013; Threadgold, 2006; Zetter, 2007). The question remains, in the perception of my interviewees, is there anything entrepreneurial about seeking asylum in Germany?

Data shows that, closest to being entrepreneurial, is something that comes down to expressing a wish to find a job in Germany. P. explains that his business failed in Serbia but that he possesses skills which he sees as applicable in Germany. However, he also understands that he is not allowed to be a fair competitor in his current condition. He explains "There are people around here, they asked me to pick up their junk, there are a lot of different things to do and be repaired, but how can I do this when I don't have anything else, I would bring the stuff to the Heim (accommodation center) and the security would ask me what are you doing carrying that stuff in here. And even if I could, how would I explain it to him, we don't speak the same language". Relatedly, when inquiring why there were many people from Serbia seeking asylum, the explanation was often the inability to find or maintain a job which can support a family back home. When inquired what is it that works towards getting an asylum claim approved, N. marks "Well it depends on if the thing you have to offer is wanted. Therefore you (the researcher) are in a different situation". My interviewee has a clear picture of who is pulled in and given the right to mobility and who is out (Kmak, 2015). Regardless of the fact that we both hold Serbian passports, he made the boundary between us clear: it is the education, the skills one has to offer which are wanted.

He moved on to saying "they (Germans) like the best of the best. It is like when the Americans and Russian took the greatest minds from Germany during the wars.

Germany is a powerful country and they can do as they like. And so they decide who they want. If one of my children could work as something really special, like music or languages all of this would have been easier.” This perception emphasizes that Germany is a country, which decides what is needed to keep the market competitive and effective, by selecting who is in and who is out. This way Germany is reimagining itself as the “powerful country” (N. Int. 2, Line 68). Whereas they themselves are the best examples of the involvement of the state power in setting rules for the wanted/unwanted dichotomies, nevertheless, they understand such practices as natural, understandable and at times admirable.

Moreover, the idea that ‘low skilled’ manual labour is not as appreciated or valued, especially when it comes to migrant labour in a neoliberal setting is not a novel though (De Genova, 2013). However, I find my interviewees identifying strongly with this, especially when asked what happens to asylum seekers whose claims are deemed unfounded. N. goes on to explain “some stay here, find a job in the black market and that's that”. By the end of our interviews N. has also explains his plans to find a job, a friend of his just came from Serbia seeking asylum, and has been working in Germany without official contracts in the 1990s. In the outlook of the presented theory on neoliberal governmentality, it is the tolerance of ‘illegality’ which is of great importance. The aim is to select out those threatening the competitiveness of the market through a selectivity at the border crossings. This finding links back to Walters’ explanation of tolerating certain forms of illegality, like in the case of the American student overstaying visa and working in London (Walters, 2010, pp. 73–95). To prevent all unwanted border crossing is not feasible, and despite the popular picture of the ‘fortress Europe’ – it is not fully a fortress. This is not to underestimate the cruelty and violence which has taken many lives so far, but to point to the unsustainability of the current neoliberal refugee and migrant regimes, which selectively targets for exclusion backed with the normalizing process of doing it in order to protect the market competitiveness.

However, the discourses of the economic gains of SCO asylum seekers are hardly in sight. The findings mostly point to the highly subjective nature of what poverty is and what is there to be ‘gained’ though the experience of asylum. What adds to the complexity is my interviewees understanding of what is the gain of being in Germany in relation to other Serbian asylum seekers. For example, E. once explained “some

people have been here for a year, transferred from one Heim to another, to a camp and so on. And one man says he loves it, he has his room now and a TV and he is happy. People are happy to have a roof over their heads and that's it". She continues "the other woman here, from Bosnia, she use to sublet a place back home, so not paying stuff here seems great to her. But this is not life. You sit in a room all day doing nothing, that's just crazy." What she offers in contrast is explaining her own situation back home. "But back home we had jobs, a house, my cousin is really rich and whenever I couldn't make the ends meet, I'd ask her for help". While positioning herself as different from the other SCO asylum seekers in regards to the gains of being in Germany, she simultaneously points to the hardship of her condition back home such as occasionally not making the ends meet. Relating back to the idea of profit maximizing through asylum, we need to comprehend that poverty is a relative term which is often charged with a Western understanding of life quality and status. Many would ask why E. embarks on a journey when she notes having a job and a house back home. Before further exploring this question (section 6.2.), I present the internalization yet another feature of neoliberal discourses on 'economic refugees'.

6.1.2. The 'Azilant' – a label which remains

To be a refugee but also a neoliberal subject is presented as immoral, in line with Kmak (2015), under the current refugee regime in Germany. This distinction is internalized and evident for my interviewees, who never regarded themselves as refugees but as 'Asylants' (Serbian: *azilant*). This is a derogatory term for asylum seekers also in Germany. In several instances being in Germany was described as to "coming on Asylum" (Serbian: *doći na azil*). It is used to express what "our people" (E., Int.1, Line 101) – generally referred to as people who speak a language common to Serbian, do in Germany. This finding is also interesting because of the construction of this expression, which insinuates sitting on something or making use of something.

Moreover, the so called 'economic refugees' from SCO are targeted for accelerated procedures which aim at enabling quick identification of their assumed 'bogus' applications and effective removal upon rejection. The data points to the clear expectations of such outcomes. Namely, the understanding of their conditions as one of a short-term nature, with a certain end in the future. This corresponds to the current policy practices of accelerating procedures for those applications considered as 'unfounded' under the current refugee regime in Germany. E. often referred to a point

of departure embedded in her status as an asylum seeker from Serbia by saying “everybody leaves in the end”. To be an ‘azilant’ is also understood as something violent, a prolonged experience, and a label which will remain once they are back in Serbia. A great deal of codes wrapped around “leaving” – or the expression of the urge to go back but also fearing to do so. Relevantly, E. explains how she needs to make sure to buy her kids good things such as smart phones while in Germany, especially the oldest daughter since she understands the most. This way she hopes to prepare them for the stigma which awaits them once they are sent back to Serbia, as they will be the labelled as the ‘azilant kids’. Meaning that the negative images surrounding them in Germany, are expected to be a prolonged experience. This finding is in line with Sigona (2003) who explains the enduring and harmful nature of administrative labeling. To fight this image E., equips herself with symbols of good status, like latest smart phones or a tablet she bought to the children to play with. Before digging deeper into the role of status and exceptionality (section 6.2.), I present the findings related to the internalization of the dominant labels in relation to other refugees and asylum seekers in their surroundings.

6.1.3. ‘Bogus versus genuine’ refugee – a clear distinction or a permeable concept?

Field data points to a striking understanding of oneself in regards to other asylum seekers and refugees. There is a general mistrust in people surrounding them. The accommodation centers are often overcrowded and there is a lack of privacy. People report being unable to lock the doors at night, and feeling unsafe despite the presence of security guards the entire time. Feelings of mistrust are manifested through the expression of concern about scarce resources. For example, E. reports that she is overwhelmed with others “snatching like animals” or “grabbing out of my hands” for basics such as food and cosmetics. She never leaves anything lying out of her sight because “it would just be gone”. The mention of people’s nationality plays a role when referring to the other asylum seekers. Mistrust in their origin has been expressed in several instances. For example, when explaining who she fights for food with, she refers to “a woman from Libya or Palestine, who would know, she says Libya but her papers say Palestine.” In another instance E. shares her story about a Serbian man who speaks Arabic, was a doctor in Syria and fled to Germany with a group of Syrians. “He won’t speak a word of Serbian you know. But I know he can. Once we were alone and we spoke, he can do it. I don’t want to make him trouble you know, so I only talk

to him when there are no people around.” Hereby, E. identifies the perceived advantages of belonging to a certain language group or nationality. There is an advantage of being Syrian in regards to the asylum application which, in this case, helps the Serbian man and E. does not want to hinder this.

A related finding is what I call the ‘flexible identities’. This is reflected in the internalization of dominant discourses surrounding asylum seekers from ‘safe countries of origin’ as the ones who are not in a real need of protection, and therefore are not ‘genuine’ but refugees. In that sense, J. explains “We are Roma, we have nothing back home [...] I know there are people who escaped the war here, people who saw horrible things. They probably need help more than we do. We know how it is to be in a country where there is war. But Serbia is so bad for people like us, it’s almost like war. We have nothing there, so we leave.” The way my interviewees draw lines between themselves on the one hand – and the refugees – or the people from countries where there is war, is also manifested while assuming a personal identity in a flexible manner. As a response to being labelled ‘bogus’, they reinforce what a refugee label insinuates as a possible reasons of persecution (e.g. religious or ethnic minorities). They use the ‘minority’ identity when referring to their asylum claims. For example, once I asked P. and N. why Serbian asylum seekers come to Germany – and P. replied “...we are not Serbians, I am Roma and he is a Muslim”. In another instance when E. started wearing a headscarf, P. asked her “why are you wearing that thing, you are one of us, a Serbian”. Therefore, the ‘minority’ identity is most relevant in relation to their asylum claims – possibly as a struggle to conform to what is regarded as a ‘genuine’ refugee. This further points to the oversimplified ways in which the SCO policy targets whole groups of asylum seekers, based on their nationality. From the findings it is clear that my interviewees, rightfully so, re-emphasize their minority identities such as ethnicity or religion. Whereas, at other times, being Serbian is emphasized as uniting. Importantly, these processes should not be seen as sneaky tricks or a game, these are strong responses in reaction to the institutional identities which are set and reinforced by multiple actors of a refugee regime, such as the case of ‘transit migrants’ in the sense of Hess (2012) and Tsianos and Karakayali (2010).

Similarly, I argue that neoliberal discourses and the consequential economic labels such as the case of an ‘economic refugee’ in disguise are being appropriated by my interviewees in different ways. Firstly, in the ways they reshape their identities in the

new surrounding in Germany, in relation to other SCO asylum seekers, as well as those considered 'genuine' such as the Syrian refugees and asylum seekers. The sources of the so-called 'gains', insinuated through the use of such categories, are not clear and are definitely not identical for all SCO asylum seekers. The economic labelling also has a prolonged effect which is not limited to their stay in Germany. The internalization of the 'entrepreneurial spirits' in the case of my interviewees are solely based on the fantasies of fitting in as a real competitor. They express this thought through wishes for their children to be exceptional in some way and therefore valuable players of the game. Often they portray themselves as not fitting to what Germany as a "powerful country" (N. Int. 2, Line 68) sets as the desired. Moreover, they clearly understand the limitations of their future condition in Germany, and opt for the logical alternatives such as getting involved in 'illegal' jobs. Interestingly, this outcome fits the available literature in two ways. Firstly, in the sense of *The Border Spectacle*, where labelling people as 'unwanted', often plays along the attachment of 'illegality' or 'criminality' of migrants and refugees. This in turn feeds into what De Genova (2013) calls the rejected desirability of labour for capital as explained earlier. In a similar vein, neoliberal governing only selectively acts upon such cases of 'illegality' while sticking to the idea of cost-benefit rationale. Conscious about the costs of deportations, they seem to represent yet another form of pure spectacle. This being said, I do not wish to underestimate the stressful and violent experiences which people undergo when expecting, and during the actual deportation. It is more to point out the deceitful practices taking place under the current refugee regime in Germany.

6.2. The unseen: unique flight experiences and status regaining

Let us for a moment assume that, for some individuals, seeking asylum *is*, in some ways, an economically gainful experience. As one of my respondents remarks "here is great, if it was good in Serbia we wouldn't take such a long trip to come, there is nothing for us in Serbia, no jobs, no money, nothing" (R., Int.3, Line 40). With this in mind, I start this section by looking back to the questions left unanswered under the subheading 6.1. Thereby, I proposed that economic gainfulness is a highly subjective experience – I asked why some SCO asylum seekers flee, despite not living at the bare edges of poverty back home. From a neoliberal understanding, built in the discourses on 'economic refugees', they do so to maximize their profits as any other rational, neoliberal subject would. As argued in the existing literature, these individuals will also

be a homogeneous, racialized groups of males, potentially 'criminal' subjects linked to 'illegality' (De Genova, 2013; Moore, 2013; Threadgold, 2006). In this section I use the findings from the field to further challenge the views relating embedded in the neoliberal governing of SCO asylum seekers. Secondly, I seek to better understand the outcomes that the neoliberal discourses have for the lives of those in question.

To assume that looking for economically gainful experiences is the single reason for seeking asylum in Germany is, I argue, misleading and simply incorrect. It may appear so on the surface, but it does not take much digging to uncover a whole series of intersecting struggles experienced before the decision to flee. One example being the reality of living in Serbia as an ethnic minority, let us say a Roma Serbian person – faced with discrimination on every level of existence. For example, J. explains "I am a Roma, it all started in the school. Kids pick on you, molest you, they dont like us there. So I dropped school early." Roma people are deprived of school education in Serbia, despite the popular understanding backed by the stereotypical, racist views that schooling is not for them, or that Roma parents use children to work for them. It is in fact the institutional discrimination where it all begins. Relatedly, P. explains "they would only give me seasonal job [...] Nobody ever hires a Gypsy for long term". Labour market discrimination is an ongoing problem. Relatedly, N. talks about his job in Serbia depending on who they vote in the local elections - "if you are voting for Rasim²⁰ then you have a job". Party membership and affiliation remains a crucial step to employment for many, especially in the regions where poverty and job scarcity are higher. Therefore, I bring forward the incompatibility of understanding asylum seekers as neoliberal subjects, trying to maximize their profits. Because seeing them as "savvy entrepreneurs" in the sense of Walters (2010), who strategically looks for ways to maximize profits through asylum seeking, does not take into account the complex question of political and discriminatory constraints which bring people into the position to flee.

Here is another argument. After the first analysis of the data, I noticed a high frequency of concepts relating to the "shopping" behavior alike the one surrounding the asylum seekers in the media discourses as pointed out in research (Moore, 2013;

²⁰ Serbian politician

Threadgold, 2006). Money and commodities, living conditions, and the act of shopping for goods, was a common topic brought up by my interviewees. The neoliberal standard which was presented through an internalized intensity of the shopping experience in Germany was striking. The idea is to purchase cheap goods, for one self, the family in Germany, and the one back in Serbia. E. explains that she sends several batches of different goods back to Serbia on monthly basis. She clarifies "I went to the bus stop yesterday, I can even go alone now, I know it all. I've sent lots of clothes back home, and all kinds of things like pots, pans and toys for the kids. I bought those on "action"²¹". It's so much cheaper, and the quality can't be compared you know [...] I couldn't find one like that back home. You see, I only wear the old clothes here, I send the good stuff back home. Why would I wear it here, who is here to see me?" E. emphasizes the need for recognisability, and despite the goods being attained, she situates this recognisability back in Serbia. Moreover, E. suggests that quality in Germany is something exceptional which can be attained only there. However she sends all goods back home, because to be exceptional is to bring back a piece of this status, of being in a Western, 'powerful' country. In the Heim as she puts it, there is nobody to see her. And why would such a finding be of importance? Because, I argue, asylum seekers are not neoliberal subjects, aiming at maximizing their profits, despite the consumer behavior shown here. It is the status in relation to their home country which they try to re-establish ever so strongly.

This internalization of the 'lower value' of oneself is manifested in other ways as well. When asked what is the most striking thing they experienced since arriving to Germany N. explains "Why is everybody lying so much, damn it. My friend is in Finland, he tells me they got 500 Euros and a house. We reached (country) X²² and I asked him to help us get to Finland. He says to me "wait let me leave the camp". I asked what camp now? He says they took away the old deal from them. So we decided to stay and apply in X, and I told him that. Day after his wife says they received 1200 Euros and a house, I don't understand this." The key category here being the establishment of a status, of exceptionality and success. The imagined, successful and worthy self is an aim pushed so far to the point of "everybody lying" about their actual

²¹ Serbian: Akcija, discounted goods

²² X is the first country in which they applied for asylum. Deleted for confidentiality purposes.

condition. This finding relates to what Hess (2012) writes about the roles of rumors during the transit migration, or the attempts of migrants to reach a destination. The way in which rumors about a safe shelter in the next transit country encourages migrants to try once again to cross the border, resembles the way a rumor about living conditions and remaining hopeful about the imagined future, as in the case of N.'s friends seeking asylum in Finland. It is the rejection of the option to fail which spreads, further resembling the neoliberal contexts of 'anybody can achieve anything only if they try hard enough'. Or as E. puts it "When you are so eager you can do anything". Despite N.'s fascination with why people lie about their condition, his wife once explained "I don't tell them everything (to the family back in Serbia), I don't want them to worry. I tell them we have our own bathroom and all. If I would tell the real picture my mother would lose it." To live in Germany has almost a sacred value in this case. To ruin that picture means to have failed, and therefore one deals with the poor conditions in other ways. I elaborate further on the findings relating to poor living conditions in the context of punishment and deterrence in the following section (6.3.).

In this section I propose that, my interviewees internalize features of the dominant neoliberal discourses, however, they are not neoliberal subjects in the sense proposed in the theoretical chapters. Despite the practices of shopping, emphasizing the quality and exceptionality of their experience, my interviewees are not the "savvy entrepreneurs" aiming at maximizing material profits (Walters, 2010, p. 86). They are rather using this as strategies under the pressure of regaining status and recognisability, embodying a dream of being a part of a different world. This experience however, does not come as a benevolent, smooth process. In the next section I turn to explain the violence which comes along with their legal and administrative status under the current refugee regime.

6.3. Neoliberal governing and violence: the roles of different actors under the current refugee regime

Hereby, I would like to bring forward findings which relate to the theoretical considerations linking neoliberal governmentality and violence, argued to be embedded in such processes (Oksala, 2012). I share findings derived from the perception of my interviewees about violent acts they experienced. In order to make this data legible, I start by introducing the main actors which play crucial roles for my interviewees' experiences of applying for asylum in Germany. With an understanding that a refugee

regime consists of many actors, including refugees and asylum seekers, who together constantly re-negotiate the rules of this process, I emphasize that results presented here reflect the perspective of Serbian asylum seekers. Therefore, these perceptions do not aim at providing for an absolute truth, but speak for experiences of individuals. During the analysis of the data I coded for 'administrative actors' and identified high frequencies reporting about security guards, LaGeSo as an institution, its administrators and the social workers. As the largest concerns about violence and exclusion relates to security guards, I dedicate one section to this issue, and another one to discussing the perceptions and experiences with other actors mentioned.

6.3.1. Security guards - between power holders and violent actors

Interestingly, the perception of power holders in their interactions with different actors is never ascribed to the German government, but to the specific people and services. For example P. explains "It's like in a prison, because of all these security guys. They are really nice, they want to help us and they say hello to us, but I still have a feeling like I have done something wrong, I don't know, I just cannot be at peace." P. has a somewhat positive experience with the security guards, as he puts it "they are good guys, they are not rough" but their constant presence creates a feeling of intimidation as he associates his situation to that of being in a prison. In another instance, E. talks about the security guards - whose role is to maintain order in front of LaGeSo - the office which became known for long queues of hundreds of people waiting for days in order to get in and apply for asylum. Or if already done so, receive accommodation and living money. "It's like we are animals, I swear. Those security guys, ahhh, you can see on their faces they are enjoying the power, they wear those black gloves, and if anybody passes too close they would grab you by the shoulder and push you away" E. explains. "They see people screaming, vomiting, that's completely normal to them. One woman fainted twice and they did nothing. You can be a child, pregnant, or whatever you want, it doesn't matter. They just send us to this tent and we are strolling around like cattle" she continues. E. perceives the security guards as the power holding group which dictates the rules. She explains the physical experience of violence observed during the long waits and the prison-like atmosphere this creates. But the violence experienced goes beyond the physical. This micro finding relates back to the idea of refugee regimes, and the power-hierarchy between the governing actors on the one hand, and the people on the move on the other. The perceived violence

embodied in the security guards can be further discussed in the context of neoliberal governing of 'unwanted' migration.

The institutional violence is embedded in a neoliberal setting (Oksala, 2012). The government does not intervene in the market directly, but attempts to maintain the competitiveness of the market through violent interventions such as the management of 'unwanted migration'. The government sets the rules of the game, but it is the multiple actors such as ministries, NGOs, social workers and security personnel firms which become responsible for implementing such rules. Under the neoliberal understanding of some groups of as 'economic refugees' – the rules dictate their exclusion (Threadgold, 2006). However, how that is implemented remains vague. Hereby, I present findings relevant to this topic, from the perspective of one such group – deemed to be excluded. What is striking is the legitimacy given in explanation of exclusionary practices. As E. describes "Once there was a group of us²³, the security guards put women aside into a tent. Like a camp, like cattle in a barn. There were about 1000 people in total at least, and about 500-600 numbers²⁴. They told us to wait there, we waited but once they opened up they wouldn't let us in. It was only women from Bosnia, Albania, Russia, Serbia, you know." This situation led E. to refer to her case as due to "people like us" being excluded and set aside to be dealt with later. And so E. continues to explain "They don't want us here, I see that, but they treat people like cattle." In contrast to her situation she notices that "the 'Arab' woman with a baby went there (LaGeSo) today and got in immediately, they wouldn't let me in when I was waiting with my children all night. Is it that she is from 'Arabia', do they have some priority, I don't know what it is, but it's how it is...the security guard decides that."

E. repeatedly reports about differentiating treatment by the authorities. She ascribes her place of origin to the cause for such experiences. Most importantly, I asked myself, what the actual role of security guards here is. From the experiences of one of my interviewees "The security guards play the biggest role there". Under such vague understanding of the roles of different actors in dealing with asylum seekers from SCO, this story went on to reveal a whole chain of actors involved in this process. E. shared

23 'Us' refers to asylum seekers from SCO.

24 'Numbers' refers to the waiting numbers which enable one to see the responsible administrator.

a story of how she found a way to meet a LaGeSo administrator. She explains “I gave 100 Euros to go in. I gave it to a man who is connected with them (security guards) [...] He took me in straight away, I was one of the first five people. Everything gets done with the money, but what can I do, I’ll ask him for it next time too.” Room for abuse is evident here, and as I restrain to evaluate this as an experience limited to asylum seekers from SCO, I emphasize the dangers which lie in both the fractioning of the label refugee (Zetter, 2007) and in the violence which comes along with the uncertainty of who implements the exclusionary rules and when. Simultaneously, in the sense of Tsianos and Karakayali (2010), E. is also a power holder, she finds her way around the violence and exclusionary practices as she symbolically finds her way inside of the administrative building. She is an active agent of the refugee regime in question, and so are the administrators beyond the security guards. Hereby I turn to explain my interviewees’ experiences with other actors.

6.3.2. Bureaucrats, translators and social workers

Despite the overwhelming focus on experiences with security guards, other actors play a role as well. Besides some exceptions, the interactions are overwhelmingly negative. The most striking experiences are reported about LaGeSo (Berlin), which is the main administrative body in charge of assisting to refugees and asylum seekers. LaGeSo provides amenities such as money and health access provisions as well as accommodation issues. The general experience is overwhelmingly negative (as I elaborate in the next section), but unlike security guards, staff working at the LaGeSo is mentioned with respect and awe. E. once explained her feelings about a meeting at the LaGeSo, “those translators speak our language, but they don’t care you know, they just translate, they never even say things like ‘it will be ok don’t worry’. They are probably tired of so many people passing through.” She expresses her disappointment about the expected support and friendliness, while justifying their behavior as due to the crowds of ‘our people’. In another instance, J. describes the administrator in the Foreigner’s Office (German: *‘Ausländerbehörde’*) by saying “there is this scary woman there, and everybody knows her as if she was famous. She never smiles.” Actors playing roles in their lives are not limited to the bureaucratic procedure. E. explains her relationship with the social worker as unpleasant “I do not really like her (social worker) you know. She always asks me questions about what happened to me and that she can help me, but how can she really help me I ask

myself? I just don't trust her, I don't know." She expressed mistrust in sharing her story and describes the social worker's efforts to help as pointless.

At a point E. continues by noting that she believes the social worker is often hindering her situation, by being too pushy and curious about her and her husband's experiences. Whereas E. never came about explaining how this is manifested, J. was very straight about her experience with the social worker. Namely, it led to an intense quarrel with her partner who, after the social worker openly tried to give extra help to J., intensified the ongoing physical abuse directed at J. These findings point to the complex webs of direct and indirect violence which arises in the overcrowded spaces lacking privacy and basic dignity. It also points to the lack of understanding of the complexities of the intersecting, in this case gender-based, power relations in confined living settings of asylum seekers and refugees (Krause, 2015). Different actors play significant roles under the refugee regime and the governing of asylum seekers, some being perceived as helpful and well-intended, whereas others as holders of power and penal distributors. I now turn to the findings connecting the role of administrative actors and the perceived violence through punishment.

6.3.3. Punishment through administration

While collecting the data I observed a great deal of stress and anxiety involved in the administrative process of asylum seeking. I emphasize that my interviewees are not alone in experiencing maltreatment, this stands for the general conditions I have observed. However I am interested in, and thereby focus on, how they interpret the reasons behind the treatment. My interviewees emphasize the feeling of insecurity for not knowing German, and that there are often insufficient translating services – unlike the ones provided for Arabic speakers. Beyond this, in several instances they report certain events and experiences as administrative punishment. For example, E. once vividly explained her feelings about the administrative treatment "I literally feel like I did when giving birth. And then, when you need that last sip of water the doctor takes it away from you." She sees her long fight as unrewarded, pointless and torturous. Moreover she explains the situations in front of LaGeSo as "We waited all night in the cold, kids crying, they are freezing. I bought some little food to last for them. We didn't sleep for two days now. All the people who didn't make it in got this paper, I guess as a punishment for not making it to the appointment." I find the mention of punishment crucial here. When inquired how exactly does the administration punish E.

goes on explaining “as a punishment for not making it for the appointment they tell us we have to find a hotel and sleep there for two nights until our new appointment on Thursday? Don’t know what to do now, who’s going to take me in a hotel with the six of us for two nights?” I point to the usefulness of neoliberal governmentality as a way in which subjectivities are reflected in their self-governing. So punishment here is to pass on the responsibility for finding shelter onto the asylum seekers themselves. Linking this to the presented literature, the role of punishment and the perceived prison-like setting remains so useful, in the sense of Foucault (1995), that despite the obvious failures and downsides of such violent practices, this regime is successful in terms of governing through the fear of the expected penalty (Lippert, 1999). This form of governing is strongly concerned with the ‘unwanted’ migration patterns, such as in the case of the asylum seekers from the SCO. In the next paragraph I elaborate on my interviewees’ perceptions of such processes.

6.3.4. Punishment of “people like us”

Relatedly, the perception of treatment is often referred to in relation to the country of origin. E. explains her reaction to being singled out in a tent with other refugees from ‘SCO’ and mentions “I begged so many times, but he (security guard) just looks at my papers, it says Serbian on it and then he just goes away.” E. perceives the reasons for her treatment related to her being Serbian. She continues “They don’t want us here, I see that, but they treat people like cattle. If I were alone I would sleep outside, I don’t have a problem with that, but I have four children with me.” Maltreatment was often expressed as being treated like animals. Moreover, the asylum seekers often learn about the threat of deportation from the media. “I read in the news they are doing everything to get rid of people like us” E. explains. And when asked how exactly does the administration do that E. says “well somehow they speed up the process”. In another instance although my interviewees never mentioned the term ‘safe country of origin’, which could be argued as the largest legal obstacle to their asylum applications’ success, they seem to be well aware of the tools the asylum regime employs to “get rid of them”.

As a matter of fact, this seems to be understood as an effective tool in circumventing numbers as well as further applications from SCO. Speedy procedures for the so-called unfounded applications, suggestions for introducing food stamps instead of money given out to SCO asylum seekers and the abolishment of the programs which fund

'voluntary return' are put in place with the idea of deterring people to come and seek asylum in Germany. Importantly, my interviewees rarely talk about deportations. Despite such highly violent acts also taking place, they are often used as a sovereign act of violence, a spectacle for others of concern to assume the consequences (De Genova, 2013). Throughout this research process I learned that the so called 'voluntary return', or agreeing to go back to the country of origin by using regular means of transport, is much more common than the actual deportations. Deportations are highly expensive means for reducing the current numbers and new influxes of the refugees which are 'not welcome'. The present logic is to worsen the living conditions and encourage voluntary return. P. once explained the conditions in the second accommodation center as "a horror movie, we live with so many people, we get some food and almost no money, we have nothing to do here." The logic of deterrence through bad living conditions is what I further elaborate in the next paragraph.

6.3.5. Poor conditions as deterrence

Boredom and despondence is an overwhelming feeling many experience. E. explains how they go about their everyday lives in the accommodation center "eh what do we do, we have coffee and tea and go smoke. Mostly we bicker, sometimes we don't. Then we pick up the children, then I put S. to sleep and then it is 22h and the lights go off, we are bored all the time. Everything is the same". In a similar vein, P. draws a strong connection between being Roma in Serbia and an asylum seeker in Germany by saying "I am Roma and I don't have an easy way, but (in Serbia) it's better than this. I can at least speak the language and find my way around. I will kiss the ground once I'm there". P. and J. pulled back their asylum claims three months into their stay in Germany. Since they are not married, the couple received different return dates whereby J. was to travel back two weeks before P. Unlike P.'s partial self-confidence about the return, J. was highly upset once her day of departure came, as she explains "Listen to me, I cannot go alone, I cannot read or write. I am a Roma woman, we have nothing back home, I would not have come here if I had something back home. [...] I have nowhere to go." For her the deterred effect of self-regulation did not work as intended. For J., to self-initiate return means to travel alone and experience uncertainty about having anything to go back to, including a shelter. On the other hand, E. expresses her wish to go back to Serbia, as she cannot handle the conditions at present. She does not want to leave without her children, and feels unsafe traveling

alone. However, her husband N. feels strongly about staying. As the children are minors and officially ascribed as under N.'s care, E. tries to negotiate the departure but fears leaving her children. Despite urging a departure for several months, E. finds herself unable to make this decision without the agreement of her husband. In spite of the everyday struggles each one of them face, and the negative images attached to their presence in Germany, asylum seekers from SCO have an important role in negotiating the very terms of their rights to asylum under the current refugee regime.

6.3.6. Silent resistance – refugees and asylum seekers as active agents

There is, I argue, one strong image which comes along with the understanding of asylum seekers as economic, neoliberal subjects, that fairly resembles who they actually are – that of them as active agents. Although this image is usually accompanied with negative attitudes and feelings, over the course of this fieldwork, this is one of the most striking observations I made. How can one be an asylum seeker and be an active agent, an empowering figure, a person beyond a victim in the need of protection? Under the current refugee regime and the accompanying neoliberal discourses, the understanding of a 'genuine' refugee tends to equal that of a victim, which further shifts the position of the SCO asylum seekers on the 'bogus' end. The above results point to a common perception of their condition as a punishment – based on their country of origin or nationality. What remains unspoken is that such practices are met with a strong feeling of injustice, and resistance on the side of the SCO asylum seekers. This resistance often takes different forms such as resisting the mere labels attached to their condition, as well as resisting the administrative rules and practices.

For example, E. explains how they fight against punishment by "staying silent". To stay silent means to become temporarily invisible, usually staying in your room, avoid going to lunch and avoiding contact with the accommodation staff. In one instance, E. decided to visit her family in another city in Germany, despite the warning that she might lose her current accommodation. Instead, her husband stayed in the room and minimized his mobility around Berlin – and by that he kept their room "safe". While they try to 'stay silent to stay safe' as a response to their unlikely prospects of remaining in Germany, the SCO asylum seekers, just by crossing the borders, resist and oppose the current rules of the game (Tsianos and Karakayali, 2010). This is also in line with Sciortino, who explains the negotiation of the rules of the migration regimes by Albanian migrants who internalize the "positive status hierarchy" reflected

in the number of border crossings they made and the ability to quickly return upon deportation (2004, p. 56). Or in the words of one of my interviewees "I can cross their borders" (R., Int. 3, Line 33) as she explains how she came back to Germany after several deportation and after the new rule for Serbians, the safe country of origin, was implemented. Relevantly, N. explains his regrets about giving in their passports as a part of the identification procedure. He learned later that many claim to have lost their passports, making the identification procedure harder, prolonging the period of stay and making it easier to 'disappear' in the case of deportation. Whereas they are aware of the 'desirable identities' of a victim, and in their case flexibly emphasize the minority identity of being Roma or a Muslim-Serbian as explained before, their sole presence and endurance of the exclusionary administrative treatment is something research needs to pay closer attention to.

7. Limitations and ethics

This research study was done as a part of a master thesis project, therefore having limited resources and time frame for completing the fieldwork study. Despite this limitation, available data was thoroughly analyzed and relevant theoretical insights were re-assessed accordingly. Hereby, I would like to mention the main methodological limitations as well as the benefits of a qualitative approach when working with refugee populations, and specify them in the case of this study. I proceed by raising ethical concerns in regards to refugee studies.

Firstly, the well-known critique of qualitative research involving interviewing methods, is that results are not generalizable on a macro level, therefore do not tell us much about the general condition of, let us say, refugee populations. I agree, this study had no aim at providing generalizable results relevant to refugees and asylum seekers as a whole. If anything, I argue we need to restrain from believing that generalizable finding can be found for refugee populations, without having time and resources to dig deeper into the individual experiences. I remain critical and acknowledge that much research falls into the same pit when feeding into the discourses on 'homogeneity' and grouping of refugees and asylum seekers according to the 'groups of convenience' (Moore, 2013; Threadgold, 2006). While stating so I remain critical to the very same issue within this paper – that as I sometimes refer to refugees and asylum seekers as a natural given condition. However, I am aware of the very same process behind a creation of a label 'refugee', as with the one of the 'economic refugee' which I highly

criticize. The fact that the second might bring along more stigma, does not exclude the burdens which come along with being labelled as a refugee. Therefore, with this study, I hope to have made a modest contribution to future research embracing ethnographic methods, focus groups and in-depth interviews as means of doing research with refugees and asylum seekers.

Secondly, as a limitation of this study I see the relative ignorance of the importance of intersectionality in doing research with refugees. I observed in several occasions the role gender plays in an encampment setting in Germany. This being not only women's reporting of increased physical abuse under the tense conditions of overcrowding, stress and boredom, but also the room for empowerment and action which they acquire in times when many, both men and women, seem striped of their dignity and left relying on scarce basics (Krause, 2015). Moreover, the role of intersections of gender, ethnicity and nationality is of great importance, as for many people in hazardous positions. An example is the case of one of my respondents – J. a Roma Serbian woman who faces discrimination as a citizen in Serbia, whereby her precarious socio-economic status is intertwined with her status as a Roma woman in a highly patriarchal society. This leaves her with a perspective that her being able to walk after being physically abused makes it "not so bad after all". To arrive to Germany as an asylum seeker from Serbia- deepens the already precarious situation exposing her to new sources of abuse. Further research in relation to refugee condition needs to address these issues.

Furthermore, I would like to address several ethical issues in research with refugees and asylum seekers. Inspired by a recent book called "Values and Vulnerabilities", I highlight three ethical considerations: vulnerability, power and research and advocacy (Block et al., 2013). Firstly, I come from the idea that assuming somebody's vulnerability, especially when directed at whole groups such as refugees or asylum seekers, is faulty and needs deeper reflection. To assume a group as vulnerable is close to assuming that each individual in that group expresses the same needs, or experiences and the same problems. This is not to argue that refugee persons might not have specific needs, or that they should not be given special attention in the post-flight period. It is to suggest that their vulnerabilities stem from the environment and conditions in which they locate themselves, and are not an ascription to their personalities. In this way the resilience and empowerment to which refugees and

asylum seekers turn to can stay visible next to their vulnerabilities (Block et al., 2013). In this paper I tried to pay as much attention to the backgrounds, surrounding and living conditions in which my interviewees have found themselves. With this I hoped to have explained the ways in which they deal with, or sometimes internalize, the meanings of the labels and neoliberal discourses relative to them, but also the ways in which they stand against such processes.

Secondly, I want to pay close attention to the issue of potential power disparities between the researcher and the researched. Let me start with the example from this empirical study whereby the line between my interviewees and me was drawn during one of the interviews. Namely, the understanding of why people flee Serbia was expressed by contrasting my position, of a person with academic education to their position as those who are excluded, because – what they have to offer might not be as wanted. I assumed certain things in the beginning, such as that I understood what my interviewees meant by “having nothing back home” or their definitions of poverty and struggle. As well as that their stories were often wrapped around commodities and status that they wished to attain. I tried to resist thinking about this in the beginning thinking that this is exactly what media picks up when talking about the ‘asylum shoppers’. However the difficulty does only not lie in their stories, but also in my conviction about fully understanding their condition. Once faced with this challenge, I tried hard to iron out my own beliefs; instead of asking more questions I tried leaving more room for their voices and explanations. Moreover, by conducting this fieldwork I try to bring forward at least a modest contribution to the lives of my interviewees and people alike them who, I believe, possess a striking motivation and opt out failure as an option as a way of dealing with the tightening rules and exclusion under the current refugee regime. I continue to seek for ways to share my findings with different target circles of concern.

Finally, I address the issue of the relationship between research and advocacy. As mentioned before, I realized from the very beginning the ways in which ones political stances are influencing the unreceptiveness or blocking of information gathered through qualitative means in order to “come away from research having ‘proved it’” (Landau, 2003:187 as cited in (Block et al., 2013). I emphasize the need to stay away from ethical traps of this kind while working towards objective and methodologically sound interpretations of findings. And finally, having in mind that staying objective

should not impede the willingness and responsivity to help in case the participants are in need. The line might be thin, but in order to keep gathering genuine and meaningful fieldwork findings when working with refugees and asylum seekers, the researcher should spend time on reflecting on their role as well as the objectivity and mere usefulness of their project for both refugees and asylum seekers, as well as potential policy makers in the related field. Having said that, I believe that throughout my engagement with the interviewees I managed to do so.

8. Conclusion

Throughout this paper I argue that neoliberal governmentality is a useful lens for studying topics related to asylum policy, especially the case of 'economic refugees'. I argue that we can talk about neoliberal discourses in the field of asylum policy in Germany, whereby the policy developments are in line with the understanding of neoliberal subjectivities. That is, the understanding of social actors as entrepreneurs of themselves, of their lives; as rational, profit-maximizing individuals. In contrast to the mainstream understanding of refugees as vulnerable, passive subjects in needs of protection, the invention of the label 'economic refugee' came hand in hand with the intense policy developments and law amendments which enable various actors to engage with a goal of circumventing movement of those deemed as 'unwanted'. Best reflected in what the 'safe country of origin' stands for, policy has changed in the direction of homogenizing certain groups, as well as the creation of the 'problems' surrounding such groups. In order to create a problem, one first needs to name it, therefore we witness an explosion of terms created to support the process of governing such groups. This labelling is a process which has serious impact on people's lives, identity constructs, and behavior being appropriated accordingly. But refugees from SCO countries are not a homogenous group, rather individuals with unique roles and experiences.

Results of the fieldwork collection of interviews with two families who are residing in Germany as asylum seekers can be summarized as follows. Supporting the argument that we can talk about neoliberal discourses on asylum seekers from SCO, I bring forward the findings relating to the internalization or appropriation of self as an 'economic refugee', a profit maximizing entrepreneur which I found only in relation to other refugees, who are considered as in more need of protection. This, I argue, speaks for the intense repercussions that labelling has on people as in line with

previous research on the importance of labels (Hess, 2012; Sigona, 2003; Zetter, 2007, 1991). In answer of the first research question, Serbian asylum seekers do not understand themselves as entrepreneurs, neither are they able to identify as 'genuine' refugees. Their appropriation to the latter term in the binary 'genuine versus bogus' refugee is an outcome of such processes. To be an 'azilant' is to identify with what I previously called the status of an asylum seeker – not as somebody awaiting the clearance of the refugee status, but of the one awaiting eventual expulsion – because "everybody leaves in the end". This has serious implications expressed through their frequent fears of expulsions, inability to imagine positive outcomes for themselves and their families, as well as intense constraints which despondency and boredom elicits in an encampment-like setting in Germany.

Moreover, the field findings support the importance of individually assessing asylum claims which is hindered under the current asylum regimes in Germany and in particular the SCO policy. My interviewees consisted of four people, who already add to the understanding of the uniqueness of each of their experiences. To be an asylum seeker from a SCO is not the same as being from Serbia, being Roma, experiencing racism and discrimination, being a man, being a woman, having a family or not and all the complex combinations which lead to unique life and fleeing experiences. In answering the second question, or what remains outside the neoliberal sphere, based on the findings I argue that the perceived role of regaining status and value through everyday practices in Germany, such as shopping, seem to play a crucial role. Embedded in it, is the understanding of Germany as a powerful state and its 'goods' as something superior. The beliefs in such, almost magical properties and most importantly being able to attain them as well as share them with your family back home speak to those who flee hoping to regain worthiness and status. The powerful effects of such dynamics are not to be confused with the simple shopping behavior as encouraged in the mainstream media. These are strategies which more or less effectively compensate for all the complex, institutional 'stripping-offs' of basic dignity – both in the country of origin and that of arrival. The strong motivation for re-establishing worthiness is tightly connected to, and reflected in, what the interviewees ascribe to the roles of family, general social networks as well as other refugees and asylum seekers. In this new environment, they re-establish their identities in comparison to others. The stories about rumors and lies about living conditions in the

country of asylum, alike those presented by Hess (2012), further explain such processes.

Finally, neoliberal discourses surrounding migration and refugees have led to the fractioning of the term 'refugee' and by ascribing new, politically charged labels they enable more effective governing of the 'irregular' movement across border (Engelmann, 2014; Zetter, 2007). Violent practices are seen as embedded in neoliberal practices of governing migration, not only through physical assertion such as during deportations, but more commonly by normalizing violent practices through an economic intelligibility (Oksala, 2012). 'Economic refugees' are unwanted, their presence is labelled as immoral and often illegal, and therefore maltreatment and exclusionary practices, as well as push backs from the national frontiers are legitimized (Kmak, 2015). Findings from this study show how this rationale evolves in practice, in the specific case of asylum seekers from Serbia. Specifically, I have put forward data about their perceptions of administrative treatment which they most often refer to as punishment on the basis of their nationality. This follows logically, considering that the SCO policy is strongly emphasizing the exclusion of those whose countries of origin are, on a somewhat vague basis, unable to 'produce' refugees (Engelmann, 2014; Hunt, 2014). In support of the idea of refugee regimes, and the useful knowledge that Hess, Karakayali and Tsianos (2012) write about in regards to migrant agency, the resistance to violent exclusionary practices was also encountered. Namely, it is the patience and persistence with which refugees and asylum seekers approach their condition, and the disbelief in failure – as expressed through 'rumors and lies' my interviewees stressed repeatedly. In this case, it is a movement of those deemed useless by the economic regime and unwanted by the refugee regime who actively use their agency, their right to move and by doing so resist the current structures and discourses.

Why is this relevant?

The topics revolving around refugees has been a highly debated in Germany in 2015. As one of the largest recipient countries in European Union, Germany has been regarded as generous when refugee intake is in question. Simultaneously, however, series of discourse shifts have been witnessed, followed by strict amendments regarding asylum rights. Restricting practices are central to the debates on the 'refugee crisis'. The need to combat 'economic refugee' influxes so that 'genuine'

refugees would be better served represents one of the currently dominant discourses. Under the SCO policy refugees' and asylum seekers' lives are being placed under a homogenized arch of the 'deemed as unwanted', backed by the media and governmental discourses on their profit maximizing aims. The simplicity and thereby danger of the SCO policy lies behind the understanding that certain countries cannot 'produce' refugees and are therefore safe for all. Thus enabling the neoliberal understanding of whole groups as economic and rational players, however deemed unwanted under the current regime. Alongside, a lot remains unseen such as the unique flight experiences of each individual as well as their complex histories and backgrounds. Most importantly, their resistance against the dominant discourses and administrative treatment brings forward the room where violence occurs.

Since some figures show that the number of applications has remained stable since the introduction of the SCO policy directed at the asylum seekers from Western Balkan countries, there is a need to reconsider the usefulness and implications that SCO policy has brought. Most importantly, fieldwork studies conducted with refugees and asylum seekers have a great potential in uncovering the nuanced complexities embedded in the experiences of flight and refuge (Barker, 2012; Hess, 2012). This is a good way to create a pool of data and evidence which points to the harmful and violent outcomes of the further fractioning of the term 'refugee' (Zetter, 2007). This is to say that criminalizing certain forms of migration often goes along with the idea of migrant agency or the deliberate power to move, cross borders and settle such as in the case of the 'economic refugees' (Tsianos and Karakayali, 2010). On the other hand, stripping off that same agency from those labelled as genuine refugees in need of protection is equally problematic and a burden that needs to be further explored in this context. Based on afore presented findings, the problem does not lie in the economically gainful experiences of asylum seekers and refugees. The problem lies in the ways in which the dominant understanding of who is deserving of help, protection and, most importantly, a right to seek a good, dignified and prosperous future for oneself and/or her/his family. This study modestly aims at contributing to a still scarce pool of empirical findings relating to the lives of SCO asylum seekers under the current refugee regime in Germany. Further research in this direction, especially when accounting for the roles that gender, race, sexual orientation and their intersections play, is of great potential and a necessity for both research knowledge, as well as for a better, more humane

policy measures of concern for asylum seekers, refugees as well as their hosting societies.

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APPENDIX I

Figure 1. Findings presented as a three-fold structure.

